S. Hrg. 100-486

NATIONAL NARCOTICS LEADERSHIP ACT OF 1987

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 789

A BILL TO PROVIDE THE FRAMEWORK NECESSARY TO PURSUE A COORDINATED AND EFFECTIVE NATIONAL AND INTERNATIONAL NARCOTICS CONTROL POLICY

MAY 14, 1987

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NATIONAL NARCOTICS LEADERSHIP ACT OF 1987—S. 789

THURSDAY, MAY 14, 1987

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10:15 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Also present: Senators Grassley, DeConcini, and Specter.

OPENING STATEMENT OF CHAIRMAN JOSEPH R. BIDEN, JR.

The CHAIRMAN. The committee will come to order.

Welcome, General, and I apologize for the 15-minute delay. I understand you have an 11 o'clock appointment. We were voting this morning, and the bell rang just about 10 o'clock.

I have an opening statement, and I am going to forego it and put it in the record. I would suggest to you that you and I have been here before on this issue. Last year, the Congress passed and the President signed the Anti-Drug Abuse Act of 1986, in the opinion of some the most significant drug bill passed in two decades. Unfortunately, it failed to contain what I believe is the most critical component of an effective drug program: a cabinet-level official to coordinate our entire Federal drug abuse program.

As you know, in 1984 after the President vetoed the Crime Control bill that contained a provision similar to the current S. 789, we struck a compromise with the administration and created the National Drug Enforcement Policy Board. I have in my statement a list of reasons why I think that is not functioning as well as it should.

In early May, we held a hearing in Miami, on drug coordination to discuss many of the same issues that we have been discussing for some time, you and I and members of the administration and this committee, with some of the most experienced State and local law enforcement officials in the country. Today we continue these hearings.

Once again, we will be looking for answers to fundamental questions, questions that I believe have not been answered by the Policy Board. First, who is leading the Federal drug control program and what type of leadership are they providing?

Second, have we developed a long-term comprehensive strategy that will guide our drug control efforts over the next two to five to ten years?

Third, have we made the tough policy and budget decisions that are essential to any effort to develop an effective, long-term strategy?

Finally, how do we measure whether our strategy is effective? What goals have we set? And what indicators have we developed to tell us whether or not we are winning or losing the so-called "war" on drugs?

I welcome you here today. As I said, you and I have been around this barn a number of times. I appreciate your willingness to come back up and discuss it further.

I applaud you for your efforts in this area, but I think more could be done. With that, I will not take any more time with what was a much longer, more detailed statement. I will ask that it be placed in the record along with statements by Senators Thurmond, Hatch, and Humphrey; along with the text of S. 789.

[The aforementioned follows:]

OPENING STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.
HEARINGS ON S.789, NATIONAL NARCOTICS LEADERSHIP ACT OF 1987
MAY 14, 1987

LAST YEAR, CONGRESS PASSED -- AND THE PRESIDENT SIGNED -- THE ANTI-DRUG ABUSE ACT OF 1986, THE MOST SIGNIFICANT DRUG BILL PASSED IN TWO DECADES. UNFORTUNATELY, IT FAILED TO CONTAIN WHAT I BELIEVE IS THE MOST CRITICAL COMPONENT OF AN EFFECTIVE DRUG CONTROL PROGRAM: A FRAMEWORK FOR COORDINATION AND LEADERSHIP.

THE NEED FOR STRONG CENTRAL OVERSIGHT HAS BEEN RECOGNIZED FOR MANY YEARS. IN 1979, AND AGAIN IN 1983, THE GENERAL ACCOUNTING OFFICE RELEASED COMPREHENSIVE STUDIES OF THE FEDERAL DRUG CONTROL PROGRAM. THESE STUDIES FOUND:

-- CONFLICTING AGENCY GOALS, POLICIES, AND PRIORITIES UNDERMINED THE ENTIRE DRUG CONTROL PROGRAM.

-- EACH OF THE NUMEROUS AGENCIES INVOLVED TOOK CREDIT FOR THE SAME SEIZURES AND ARRESTS. DOUBLE AND TRIPLE COUNTING WAS COMMONPLACE. AS A RESULT, THE GOVERNMENT HAD NO IDEA OF THE EXTENT OF THE PROBLEM, THE EFFECTIVENESS OF THE AGENCY EFFORTS, OR HOW MUCH MORE NEEDED TO BE DONE.

-- THESE PROBLEMS ALL STEMMED FROM THE FACT THAT EACH AGENCY PURSUED ITS OWN AGENDA AND MISSION. IN SUM, NO ONE WAS IN CHARGE.

DESPITE THESE REPORTS, AND OTHER DOCUMENTATION OF THE NEED FOR GREATER COORDINATION AND OVERSIGHT, SERIOUS PROBLEMS CONTINUED. FOR EXAMPLE:

-- AS LATE AS 1985, THE STATE DEPARTMENT AND THE DRUG ENFORCEMENT ADMINISTRATION WERE NOT SHARING INTELLIGENCE INFORMATION ON DRUG SMUGGLERS. AS A RESULT, KNOWN DRUG TRAFFICKERS WERE RECEIVING VISAS TO ENTER THE UNITED STATES.

-- DOUBLE AND TRIPLE COUNTING OF STATISTICS CONTINUED, AS AGENCIES FOUGHT TO GET CREDIT FOR SEIZURES AND ARRESTS.

-- AND AT ONE POINT, THE CIA DECIDED TO UNILATERALLY REDUCE ITS COMMITMENT TO COVERT COLLECTION OF NARCOTICS INTELLIGENCE ABROAD. THERE WAS VIRTUALLY NO ONE OUTSIDE OF THE AGENCY WITH THE AUTHORITY AND RESPONSIBILITY TO PROTEST.

IN 1984, AFTER THE PRESIDENT VETOED A COMPREHENSIVE CRIME CONTROL BILL BECAUSE IT CONTAINED A PROVISION SIMILAR TO MY CURRENT BILL -- S.789 -- WE STRUCK A COMPROMISE WITH THE ADMINISTRATION THAT CREATED THE NATIONAL DRUG ENFORCEMENT POLICY BOARD.

THIS CABINET-LEVEL BOARD, CHAIRED BY THE ATTORNEY GENERAL, WAS CHARGED WITH LEADING THE FEDERAL DRUG CONTROL PROGRAM, BY DEVELOPING A NATIONAL STRATEGY, DETERMINING THE BUDGET PRIORITIES NECESSARY TO IMPLEMENT THAT STRATEGY, AND OVERSEEING THE IMPLEMENTATION OF THE STRATEGY.

UNFORTUNATELY, THE POLICY BOARD HAS FAILED TO MEET ITS MANDATE. IN MARCH 1986, THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME CALLED THE BOARD'S PERFORMANCE "AMBIGUOUS," SAYING IT HAD "FAILED TO ASSERT A CLEAR LEADERSHIP ROLE. "SINCE THE BOARD WAS CREATED, HOWEVER, THE PROBLEMS HAVE ONLY GROWN WORSE:

o LAST MONTH, THE WASHINGTON POST REPORTED THAT THE COAST GUARD -- WITHOUT AUTHORIZATION -- TOOK $8 MILLION FROM A CUSTOMS SERVICE ACCOUNT, APPARENTLY AFTER THE CUSTOMS SERVICE HAD RENEGED ON A PLEDGE TO GIVE THE COAST GUARD $8 MILLION FOR ITS AIR INTERDICTION PROGRAM. THE ARTICLE STATED THAT THE TWO AGENCIES HAD "BEEN ENGAGED IN AN EXTENDED AND INCREASINGLY VICIOUS TURF WAR FOR SUPREMACY IN THE FEDERAL ASSAULT AGAINST DRUG TRAFFICKING."

RECENTLY, THE PRESIDENT ISSUED AN EXECUTIVE ORDER THAT EXPANDED THE BOARD'S RESPONSIBILITIES TO INCLUDE OVERSIGHT OF THE FEDERAL DEMAND REDUCTION AGENCIES. WHILE I COMMEND THE PRESIDENT FOR RECOGNIZING THE NEED FOR AN APPROACH THAT PLACES DEMAND AND SUPPLY REDUCTION EFFORTS UNDER ONE UMBRELLA, I AM NOT AT ALL CONFIDENT THAT THE NEW EXECUTIVE ORDER ADDRESSES THE REAL PROBLEM: NO SINGLE PERSON HAS THE AUTHORITY AND THE RESPONSIBILITY TO LEAD THE ENTIRE FEDERAL DRUG CONTROL PROGRAM.

-- LAST SUMMER, IN TESTIMONY BEFORE CONGRESS, CUSTOMS COMMISSIONER WILLIAM VON RAAB DECLARED THAT "MASSIVE" OFFICIAL CORRUPTION IN MEXICO WAS RESPONSIBLE FOR THAT NATION'S POOR NARCOTICS CONTROL RECORD. SHORTLY THEREAFTER, ATTORNEY GENERAL ED MEESE CALLED HIS MEXICAN COUNTERPART TO APOLOGIZE FOR VON RAAB'S COMMENTS.

FINALLY, TREASURY SECRETARY JAMES BAKER, VON RAAB'S BOSS, SUGGESTED THAT THE ADMINISTRATION SHOULD HAVE BETTER COORDINATED ITS PUBLIC STATEMENTS. NONE OF THIS MADE SEEKING MEXICAN COOPERATION ON NARCOTICS ISSUES ANY EASIER.

-- LAST FALL, THE CUSTOMS SERVICE SOUGHT AUTHORITY TO FLY "HOT PURSUIT" MISSIONS IN THE BAHAMAS. THE COAST GUARD AND STATE DEPARTMENT HAVE OPPOSED THIS CHANGE, CITING THE FACT

THAT CUSTOMS HAS PRIMARY RESPONSIBILITY FOR PROTECTING OUR BORDERS.

THE BAHAMANIAN GOVERNMENT SIDED WITH CUSTOMS AND HIRED A HIGH-PRICED WASHINGTON, D.C. PUBLIC RELATIONS FIRM TO PERSUADE CONGRESS TO SIDE WITH CUSTOMS. DRUG ENFORCEMENT ADMINISTRATION OFFICIALS WERE FURIOUS THAT THEY HAD TO COMPETE AGAINST A P.R. FIRM.

I HAVE BEEN SURPRISED THAT ADMINISTRATION OFFICIALS BLAME CONGRESS FOR COMPOUNDING THE POLICY BOARD'S PROBLEMS BY EARMARKING RESOURCES IN THE ANTI-DRUG ABUSE ACT OF 1986 WITHOUT INPUT FROM THE BOARD. WHEN THE COMMANDANT OF THE COAST GUARD AND THE CUSTOMS COMMISSIONER COME BEFORE CONGRESS AND ENGAGE IN BUREAUCRATIC WARFARE ABOUT WHICH AGENCY IS "SUPREME" IN THE INTERDICTION FIELD, BICKERING IN A SENATE HEARING ABOUT WHETHER THE POLICY BOARD'S DECISION ABOUT JURISDICTIONS WAS REALLY BINDING ON THE AGENCIES, CONGRESS -- RIGHTFULLY -- HAS NO CONFIDENCE IN THE POLICY BOARD'S ABILITY TO COORDINATE AND LEAD THE FEDERAL PROGRAM.

I THINK THE COAST GUARD COMMANDANT SUMMED THE SITUATION UP NICELY: "WE NEED SOMEBODY WHO'S GOING TO KICK REAR END AND NAME NAMES."

IT IS CLEAR THAT THE POLICY BOARD IS NOT DOING THIS NOW.

IN EARLY MAY, WE HELD A HEARING IN MIAMI TO DISCUSS MANY OF THESE SAME ISSUES WITH SOME OF THE MOST EXPERIENCED STATE AND LOCAL LAW ENFORCEMENT OFFICIALS IN THE COUNTRY. TODAY, WE CONTINUE THESE HEARINGS, AND ONCE AGAIN, WE WILL BE LOOKING FOR ANSWERS TO FUNDAMENTAL QUESTIONS--QUESTIONS THAT HAVE NOT BEEN ANSWERED BY THE POLICY BOARD:

1. WHO IS REALLY LEADING THE FEDERAL DRUG CONTROL PROGRAM, AND WHAT TYPE OF LEADERSHIP ARE THEY PROVIDING?

2. HAVE WE DEVELOPED A LONG-TERM COMPREHENSIVE STRATEGY THAT WILL GUIDE OUR DRUG CONTROL EFFORTS OVER THE NEXT TWO, FIVE OR TEN YEARS?

3. HAVE WE MADE THE TOUGH POLICY AND BUDGET DECISIONS THAT ARE AN ESSENTIAL PART OF ANY EFFORT TO DEVELOP AN EFFECTIVE, LONG-TERM NATIONAL STRATEGY.

4. AND FINALLY, HOW DO WE MEASURE WHETHER OUR STRATEGY IS EFFECTIVE? WHAT GOALS HAVE WE SET? WHAT INDICATORS HAVE WE DEVELOPED THAT TELL US WHETHER WE ARE WINNING OR LOSING THE SO-CALLED "WAR" ON DRUGS.

THE NEED FOR ANSWERS TO THESE QUESTIONS IS MORE IMPORTANT THAN EVER BEFORE. DRUG ABUSE THREATENS TO ENSLAVE AN ENTIRE GENERATION OF OUR CHILDREN, SUBVERTING THE MORAL FABRIC THAT HOLDS THIS NATION TOGETHER. AND WHILE WE ADDED MORE THAN ONE AND A HALF BILLION DOLLARS TO THE FEDERAL DRUG CONTROL PROGRAM LAST FALL, I AM CONCERNED THAT WITHOUT ONE PERSON SEEING TO IT THAT THESE FUNDS ARE WISELY SPENT, WE WILL HAVE MADE ONLY A SMALL CONTRIBUTION TO CURING THIS NATION'S DRUG HABIT.

STATEMENT BY SENATOR STROM THURMOND (R-S.C.) BEFORE THE JUDICIARY COMMITTEE, REFERENCE S. 789-DRUG CZAR, MAY 14,1987, 226 DIRKSEN SENATE OFFICE BUILDING, 10:00 AM.

MR. CHAIRMAN:

TODAY, WE ARE CONSIDERING S. 789 WHICH WOULD CREATE A CABINET LEVEL OFFICER RESPONSIBLE FOR COORDINATION OF FEDERAL EFFORTS TO ADDRESS THE GROWING DRUG PROBLEM. WHILE THE CREATION OF A "DRUG CZAR" MAY SEEM ATTRACTIVE, I STRONGLY OPPOSE SUCH A MEASURE AND URGE MY COLLEAGUES TO ALLOW THE NATIONAL DRUG POLICY BOARD TO CONTINUE ITS EFFORTS TO ADDRESS THE DRUG PROBLEM.

IN 1984, SENATOR BIDEN AND I WORKED CLOSELY TO REACH A COMPROMISE ON THIS VERY ISSUE. AS PART OF THE COMPREHENSIVE CRIME CONTROL BILL, THE NATIONAL DRUG ENFORCEMENT POLICY BOARD WAS CREATED TO COORDINATE FEDERAL LAW ENFORCEMENT EFFORTS WITH REGARD TO DRUGS. RECENTLY, THE PRESIDENT BY EXECUTIVE ORDER EXPANDED THE AUTHORITY OF THE BOARD TO ALLOW IT TO ADDRESS WAYS TO REDUCE THE DEMAND FOR DRUGS WHILE CONTINUING ITS EFFORTS TO REDUCE THE SUPPLY. THIS BOARD, NOW KNOWN AS THE NATIONAL DRUG POLICY BOARD, CONSISTS OF THOSE CABINET MEMBERS AND OTHER TOP OFFICIALS WHO ARE RESPONSIBLE FOR FORMULATING DRUG POLICY IN THEIR RESPECTIVE AREAS. THE BOARD IS CHAIRED BY ATTORNEY GENERAL MEESE WHO IS HERE TO TESTIFY ON THIS ISSUE TODAY. I AM SURE THAT HE WILL EXPRESS THE ADMINISTRATION'S LONGSTANDING OPPOSITION TO TO THE CREATION OF A DRUG CZAR, AS WELL AS UPDATE US ON THE BOARD'S ACTIVITIES.

SOME ARGUE THAT THE BOARD SHOULD BE ABOLISHED BECAUSE IT HAS FAILED TO CARRY OUT ITS MISSION. I WOULD REMIND MY COLLEAGUES THAT THE BOARD HAS ONLY BEEN IN EXISTENCE FOR TWO SHORT YEARS. FURTHER, WITH THE RECENT EXPANSION OF THE BOARD'S AUTHORITY, WE WILL HAVE CENTRALIZED AUTHORITY FOR DRUGS IN A CABINET LEVEL BOARD. I THINK THAT THE BOARD HAS MADE REASONABLE PROGRESS IN THE SHORT TIME IT HAS HAD TO ADDRESS THIS ISSUE.

IN OUR ENTHUSIASM TO CONTROL DRUGS, WE SHOULD NOT DESTROY THE INTEGRITY OF THE CABINET/DEPARTMENTAL STRUCTURE THAT HAS SERVED THE EXECUTIVE BRANCH SO WELL FOR ALMOST 200 YEARS. IF WE WERE TO CREATE A DRUG CZAR, WHAT WOULD BE NEXT?---A "TERRORISM CZAR", A "WHITE COLLAR CRIME CZAR" OR ANY OTHER CZAR TO ADDRESS THE LATEST PROBLEM THAT CUTS ACROSS DEPARTMENTAL LINES.

I THINK THAT THE ADMINISTRATION'S APPROACH IS A SOUND ONE AND I URGE MY COLLEAGUES TO GIVE IT AN OPPORTUNITY TO WORK.

STATEMENT OF ORRIN G. HATCH
DRUG COORDINATION HEARING
JUDICIARY COMMITTEE
MAY 14, 1987

MR. CHAIRMAN, I WOULD LIKE TO COMMEND YOU FOR HOLDING THIS HEARING ON THE IMPORTANT ISSUE OF COORDINATION OF FEDERAL DRUG CONTROL EFFORTS AND S. 789, THE NATIONAL NARCOTICS LEADERSHIP ACT OF 1987. WITH DRUG ABUSE BEING ONE OF THE MOST SERIOUS PROBLEMS FACING OUR SOCIETY TODAY, THIS IS AN AREA OF PRIME CONCERN.

WHILE RECENT REPORTS INDICATE THAT IN SOME AREAS WE ARE INDEED MAKING PROGRESS IN OUR EFFORTS TO STOP THIS NATIONAL TRAGEDY, STATISTICS INDICATE THAT IN MOST AREAS WE ARE NO WHERE NEAR OUR GOAL. IT IS ESTIMATED THAT FOUR TO FIVE MILLION PEOPLE REGULARLY USE COCAINE. FIVE HUNDRED THOUSAND AMERICANS ARE HOOKED ON HEROIN. ONE IN TWELVE PERSONS SMOKES MARIJUANA REGULARLY. THIS WIDESPREAD USE AFFECTS NOT ONLY OUR HEALTH AND SAFETY, BUT ALSO SERIOUSLY AFFECTS OUR NATION'S PRODUCTIVITY.

THE COST IMPOSED ON SOCIETY IS ENORMOUS. DRUG ABUSE COSTS AMERICAN TAXPAYERS AT LEAST $60 BILLION A YEAR.

LAST YEAR CONGRESS PASSED THE ANTI-DRUG ABUSE ACT TO ASSIST IN PUTTING AN END TO THE FLOW OF DRUGS COMING INTO OUR COUNTRY AND TO STRENGTHEN LAW ENFORCEMENT EFFORTS IN FIGHTING DRUG ABUSE. THAT LEGISLATION, HOWEVER, WAS ONLY A BEGINNING. THERE IS MUCH MORE TO BE DONE TO CURB THIS NATIONAL DILEMMA.

TODAY WE WILL EXAMINE THE CURRENT COORDINATION OF DRUG ENFORCEMENT EFFORTS AND DISCUSS WHETHER OR NOT IMPROVEMENTS SHOULD BE MADE. THE LEGISLATION NOW BEFORE US IS BASED ON THE PREMISE THAT CURRENT COORDINATING EFFORTS ARE NOT WORKING. WHILE THAT MAY BE THE CASE, MANY ARE NOT SO SURE THAT THIS BILL IS THE CORRECT ANSWER. THE CREATION OF A NEW LAYER OF BUREAUCRACY MAY HARM THE AUTONOMY OF THE VARIOUS DEPARTMENTS INVOLVED AND WOULD CREATE A DANGEROUS PRECEDENT FOR THE ESTABLISHMENT OF FUTURE "SUPER CABINET" MEMBERS TO DEAL WITH OTHER PROBLEMS THAT CROSS AGENCY JURISDICTIONAL LINES. I AM NOT SURE THAT THIS IS A STEP WE WANT TO TAKE.

FOR OUR PART, THIS COMMITTEE SHOULD EXPLORE COORDINATION EFFORTS AS THEY NOW EXIST, AND IF PROBLEMS ARE FOUND, THEN WE SHOULD SEEK THE PROPER SOLUTIONS. I WOULD LIKE TO WELCOME TODAY'S WITNESSES BEFORE THE COMMITTEE AND LOOK FORWARD TO HEARING THEIR INSIGHTS ON THIS IMPORTANT ISSUE.

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

HEARINGS ON DRUG COORDINATION
MAY 14, 1987
STATEMENT OF SENATOR GORDON J. HUMPHREY

I STRONGLY DISAGREE WITH THE CLAIM THAT THERE HAS BEEN AN ABSENCE OF LEADERSHIP IN THE FEDERAL GOVERNMENT'S ANTI-DRUG EFFORTS. ATTORNEY GENERAL MEESE HAS TAKEN A FORCEFUL AND AGGRESSIVE ROLE IN MARSHALLING FEDERAL EFFORTS TO COMBAT THE ILLEGAL DRUG TRADE. THE APPREHENSION AND PROSECUTION OF MAJOR DRUG TRAFFICKERS IS RECEIVING PRIORITY ATTENTION IN THIS ADMINISTRATION, AND WITH CONSIDERABLE SUCCESS. WHILE THE ENORMITY OF THE PROBLEM TENDS TO OVERSHADOW THE SUCCESSES ACHIEVED, THOSE SUCCESSES REMAIN SIGNIFICANT NONETHELESS.

MOREOVER, THE RECENTLY REORGANIZED NATIONAL DRUG ENFORCEMENT POLICY BOARD PROVIDES A SENSIBLE MEASURE TO ENHANCE THE COORDINATION OF A COMPREHENSIVE FEDERAL ANTI-DRUG POLICY. THIS BOARD, UNDER THE ATTORNEY GENERAL'S CHAIRMANSHIP, WILL COORDINATE THE EFFORTS OF ALL FEDERAL AGENCIES WITH DRUG RESPONSIBILITIES. AND IT WILL ASSURE THAT ADEQUATE ATTENTION AND RESOURCES ARE DEVOTED TO THE "DEMAND SIDE" OF THE DRUG PROBLEM AS WELL AS ATTACKING THE SOURCES OF SUPPLY.

WE SHOULD NOT LOSE SIGHT OF THE FACT THAT THE ANTI-DRUG WAR REMAINS PRIMARILY A LAW ENFORCEMENT MATTER. IT WOULD THEREFORE CLEARLY BE COUNTERPRODUCTIVE TO UNDERCUT THE ATTORNEY GENERAL'S AUTHORITY IN THE ANTI-DRUG ENFORCEMENT EFFORTS. YET THERE CAN BE NO MISTAKE THAT THE DRUG CZAR LEGISLATION, AS IT STANDS, WOULD DO PRECISELY THAT. IF ANYONE IS TO BE THE LEAD OFFICIAL IN THE DRUG BATTLE, IT SHOULD BE THE ATTORNEY GENERAL OF THE UNITED STATES.

II

100TH CONGRESS
1ST SESSION

S. 789

To provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 17), 1987

Mr. BIDEN (for himself, Mr. DECONCINI, Mr. CHILES, Mr. BYRD, Mr. NUNN, Mr. LEAHY, Mr. KERRY, Mr. HEFLIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. DODD, Mr. PRYOR, Mr. FORD, Ms. MIKULSKI, Mr. MELCHER, Mr. MATSUNAGA, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. SASSER, Mr. KENNEDY, Mr. LEVIN, Mr. PELL, Mr. SIMON, Mr. HOLLINGS, Mr. MITCHELL, Mr. GRAHAM, Mr. CRANSTON, Mr. INOUYE, Mr. FOWLER, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Narcotics Leadership Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby makes the following findings:

(1) The flow of narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity and drug abuse falls across the entire spectrum of Federal activities, both nationally and internationally.

(3) Illegal drug trafficking is estimated to be a $100,000,000,000 a year industry in the United States.

(4) The annual consumption of heroin in the United States remains in the range of four metric tons, sustaining one-half a million addicts, while cocaine consumption has increased sharply, with approximately five million to six million Americans using cocaine regularly.

(5) Drug abuse poses a threat to our most precious resource, our young people; with almost two-thirds of the graduating high school class of 1985 having used an illicit drug and 17 percent having used cocaine, the highest rate ever recorded since the survey has been taken.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital

admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and studies have shown that over 90 per centum of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Any effective solution to the Nation's drug problem must involve a comprehensive approach from all levels of government, combining rigorous law enforcement and supply reduction initiatives with efforts to reduce the demand for drugs through education, research, and treatment.

(10) The magnitude and scope of the problem requires a Director of National Drug Control Policy with the responsibility for the coordination and direction of all Federal efforts by the numerous agencies.

(11) Such a director must have broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this problem so that a unified

and efficient effort can be made to eliminate the illegal drug problem.

(b) PURPOSE.—It is the purpose of this Act to ensure—

(1) the development of a national policy with respect to drug abuse and control;

(2) proper direction and coordination of all Federal agencies involved in the effort to implement such a policy; and

(3) that a single, competent, and responsible high-level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to drug control and abuse.

SEC. 3. ESTABLISHMENT OF OFFICE.

(a) ESTABLISHMENT OF OFFICE.—There is established in the executive branch of the Government an office to be known as the "Office of the Director of National Drug Control Policy" (hereafter in this Act referred to as the "Office of the Director").

(b) DIRECTOR AND DEPUTY DIRECTORS.—(1) There shall be at the head of the Office of the Director, a Director of National Drug Control Policy (hereafter in this Act referred to as the "Director").

(2) There shall be two deputy directors of the Office of Director (hereafter in this Act referred to as the "Deputy Directors") as follows:

(A) A Deputy Director for Demand Reduction to be responsible for prevention, treatment, research, and private sector initiatives; and

(B) A Deputy Director for Drug Law Enforcement to be responsible for domestic drug law enforcement, border interdiction, and international narcotics control programs.

The Deputy Directors shall assist the Director in carrying out the Director's functions under this Act.

SEC. 4. APPOINTMENT AND DUTIES OF THE DIRECTOR AND DEPUTY DIRECTORS.

(a) APPOINTMENT.—(1) The Director and the Deputy Directors shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director and the Deputy Directors shall each serve at the pleasure of the President. No person may serve as Director or a Deputy Director for a period of more than four years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person shall serve as Director or a Deputy

Director while serving in any other position in the Federal Government.

(3) The Director shall be entitled to the compensation provided for in section 5312 of title 5, United States Code. The Deputy Directors shall be entitled to the compensation provided for in section 5314 of title 5, United States Code.

(b) Function of Director.—The Director shall serve as the principal director and coordinator of United States operations and policy on drug control and abuse.

(c) Responsibilities of Director.—The Director shall have the responsibility, and is authorized to—

(1) develop, review, implement, and enforce United States Government policy with respect to drug control and abuse;

(2) direct and coordinate all United States Government efforts to halt the importation, manufacture, distribution, and use of illicit drugs within the United States;

(3) direct and coordinate all United States Government efforts and programs to reduce the demand for illicit drugs through education, prevention, research and treatment;

(4) develop in concert with other governmental entities budgetary priorities and budgetary allocations

Budget Authority

of entities of the United States Government with respect to drug control and abuse;

(5) prepare a National and International Drug Control Strategy as provided in section 5; and

(6) coordinate the collection and dissemination of information necessary to implement United States policy with respect to drug control and abuse.

(d) POWERS OF DIRECTOR.—In carrying out his responsibilities under subsection (c) the Director is authorized to—

(1) direct, with the concurrence of the Secretary or Director of the Cabinet level agency employing such personnel, the temporary reassignment of Government personnel within the United States Government in order to implement United States policy with respect to drug control and abuse;

(2) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS–18 of the General Schedule;

(3) accept and use donations of property from all Government agencies; and

(4) use the mails in the same manner as any other department or agency of the Executive Branch.

(e) AUTHORITY OF DIRECTOR.—Notwithstanding any other provision of law, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consistent with the general authority of each agency or department.

(f) INTELLIGENCE AUTHORITY.—Notwithstanding any other provision of law, the Director shall undertake no activities inconsistent with the authorities and responsibilities of the Director of Central Intelligence under the provisions of the National Security Act of 1947, as amended, or Executive Order 12333.

(g) GENERAL SERVICES ADMINISTRATION SUPPORT.—The Administrator of General Services shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

SEC. 5. PREPARATION AND SUBMISSION OF NATIONAL AND INTERNATIONAL DRUG CONTROL STRATEGY

(a) DEVELOPMENT AND SUBMISSION OF THE DRUG STRATEGY.—(1) The Director shall submit to the Congress, within 180 days after the date of enactment of this Act, and on February 1st of each year thereafter, a full and complete National and International Drug Control Strategy (hereafter in this section referred to as the "Drug Control Strategy"). If necessary, sections of the Drug Control Strategy that involve classified information may be presented to Congress in closed proceedings.

(2) The Drug Control Strategy shall be a forward looking blueprint for the Federal Government and the Nation to follow in reducing drug abuse, and shall contain projections for program and budget priorities and realistic and achievable projections for drug seizures, availability, purity, and drug usage for the next five years.

(3) Commencing with the second report, the Drug Control Strategy shall include a full and complete report reflecting accomplishments with respect to the United States policy and priorities in the previous year.

(b) GOALS AND PRIORITIES.—The Drug Control Strategy developed pursuant to subsection (a) shall include a full and complete list of goals and priorities in the areas of—

(1) international narcotics control;

(2) domestic and border drug law enforcement;

(3) reducing the demand for drugs, through education, prevention, treatment, and research; and

(4) cooperative efforts between the Federal and State and local governments in the area of drug control.

In addition, the Drug Control Strategy shall contain a full and complete assessment of how the budget priorities developed pursuant to subsection (a) reflect and implement the Federal drug control strategy.

SEC. 6. TERMINATION OF THE NATIONAL DRUG ENFORCEMENT POLICY BOARD.

(a) TERMINATION.—The National Drug Enforcement Policy Board is terminated 90 days after the appointment of the Director. Upon such termination, all records and property of the National Drug Enforcement Policy Board shall be transferred to the Office of the Director. The Director of the Office of Management and Budget shall take such actions as are necessary to facilitate such transfer.

(b) REPEAL.—(1) Chapter XIII of title II of the Comprehensive Crime Control Act of 1984 (Public Law 98–473) is repealed.

(2) Sections 103, 201, 202, 203, 204, and 206 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1103, 1111, 1112, 1113, 1114, and 1116) are repealed. Section 205 of such Act is redesignated as section 201.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for each of the four succeeding fiscal years, to be available until expended.

SEC. 8. ESTABLISHMENT OF SPECIAL FORFEITURE FUND.

(a) ESTABLISHMENT OF SPECIAL FORFEITURE FUND.—(1) There is established in the Treasury of the United States a fund that shall be known as the Special Forfeiture Fund (hereinafter referred to in this subsection as the "fund"). The fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes:

(A) Federal drug law enforcement agencies and programs;

(B) Federal drug abuse agencies and programs relating to drug abuse education, prevention, treatment, and research;

(C) State and local law enforcement agencies for drug law enforcement; and

(D) State, local, and nonprofit agencies with responsibilities for drug abuse education, prevention, treatment, and research.

(2) There shall be deposited in the fund all unobligated amounts remaining at the end of each fiscal year from the Department of Justice Assets Forfeiture Fund (28 U.S.C. 524(c)) and from the Customs Forfeiture Fund (19 U.S.C. 1613a), except that an amount not to exceed $10,000,000

may be carried forward and available for appropriation in the next fiscal year in the Department of Justice Assets Forfeiture Fund and the Customs Forfeiture Fund.

(3) Amounts in the fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(4) The President shall submit, as part of the Budget, a separate and detailed request for the use of the amounts in the fund. This request shall reflect the priorities of the Federal Government's National and International Drug Control Strategy. Not less than 10 per centum of the funds disbursed under this subsection shall be distributed for each of the subparagraphs of paragraph (1). The disbursement of funds pursuant to subparagraph (C) of paragraph (1) shall be administered through the Bureau of Justice Assistance.

(5) Funds disbursed under this subsection shall not be used to supplant existing funds, but shall be used to supplement the amount of funds that would be otherwise available.

(6) The President shall submit to both Houses of Congress, not later than four months after the end of each fiscal year, a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

(b) DEPARTMENT OF JUSTICE FUND.—Section 524(c) of title 28, United States Code, is amended by—

(1) redesignating clause (8) as clause (9); and

(2) inserting after clause (7) the following:

"(8) For fiscal years 1988, 1989, 1990, 1991, and 1992, there are authorized to be appropriated $75,000,000 for the purposes described in paragraph (1). At the end of each fiscal year, any unobligated amounts in the fund shall be deposited in the Special Forfeiture Fund (as established by section 8 of the National Narcotics Leadership Act of 1987), except that an amount not to exceed $10,000,000 may be carried forward and available for appropriation in the next fiscal year.".

(c) CUSTOMS FUND.—Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) is amended by adding at the end thereof the following:

"(h) For fiscal years 1988, 1989, 1990, 1991, and 1992 there are authorized to be appropriated $75,000,000 for the purposes described in subsection (a) of this section. At the end of each fiscal year, any unobligated amounts in the fund shall be deposited in the Special Forfeiture Fund (as established by section 8 of the National Narcotics Leadership Act of 1987), except that an amount not to exceed $10,000,000 may be carried forward and available for appropriation in the next fiscal year.".

SEC. 9. COORDINATED BUDGET SUBMISSION FOR FEDERAL DRUG CONTROL AND ENFORCEMENT AGENCIES.

Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following:

"(26) a detailed request, in consultation with the Director for National Drug Control Policy, for Federal agencies responsible for drug abuse prevention and treatment and drug law enforcement.".

SEC. 10. EFFECTIVE DATE.

This Act and the amendments made by this Act shall be effective 90 days after the date of enactment of this Act.

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The CHAIRMAN. I would ask you, General, in the interest of time, if you would be willing to summarize your statement so you and I and other members who may come can discuss the issue.

Welcome.

STATEMENT OF HON. EDWIN MEESE III, ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE

Attorney General MEESE. Thank you, Mr. Chairman. I will be happy to have my statement placed in the record, as you suggest, and I will just summarize it here very briefly this morning.

The CHAIRMAN. Your entire statement will be placed in the record.

Attorney General MEESE. I also appreciate your consideration for the problems of schedule.

Mr. Chairman, the hearing this morning comes at a very opportune time because recent press accounts, as well as reports that have been made, illustrate some of the greatest successes in recent drug enforcement history. Operation Pisces, which was announced last week, which involved not only this country but the country of Panama, and a number of different law enforcement agencies, was the largest sustained undercover operation in the history of Federal drug enforcement.

Secondly, we have had just recently the largest single seizure of cocaine, some 2,600 pounds of cocaine in a joint action by DEA and the Coast Guard.

Yesterday, we were privileged to announce the arrest in connection with a special program of the United States Marshal Service of 166 major drug fugitives.

What I think these incidents illustrate is the fact that in the course of the past 5 years, the Federal Government has allocated more resources to the battle against drugs; it has mobilized new sources of assistance, including the military; it has marshaled our assets more effectively; and it has been producing much greater results than at any other time previously.

I will describe the present organization briefly; it is described more extensively in the formal remarks which are in the record. But basically, President Reagan with his latest Executive order has created a streamlined policy and organizational process in which a Cabinet level National Drug Policy Board heads up the effort to coordinate the activities of the various Federal agencies in both the reduction of the supply of drugs coming into the United States, and also the demand for drugs, the market for drugs within our country.

Basically, the Board is made up of most department heads in the Federal Government, operates on a regular basis, is chaired by me as the chairman of the board, and the vice chairman is Otis Bowen, the Secretary of Health and Human Services, so that in the leadership of the Board is represented both those of us who have primary responsibilities in reducing the supply as well as the demand.

We have two coordinating groups which bring together those agencies that are involved in the two major areas: one, the prevention and health coordinating group, which is headed by Dr. Donald Ian MacDonald, who is currently the new White House drug adviser; and the drug enforcement coordinating group, which is headed by Steve Trott, the Associate Attorney General.

We have a staff composed of experts in the field of drug control from the various departments which works on an ongoing basis and provides the staff resources for the development of policy options, the analysis of policy problems and issues, and other administrative support for the Board and the coordinating groups.

I think it is interesting to note the way in which the demand side activities are organized. I think already a good deal of testimony has been given before this committee about the enforcement side. But I think some of the new things that are happening on the demand side—with a Subcommittee on Treatment and Rehabilitation, headed by the Director of the National Institute on Drug Abuse; a Subcommittee on High Risk Youth, chaired by the Administrator of the Office of Juvenile Justice and Delinquency Prevention; a Subcommittee on Workplace Population, chaired by the Deputy Director of Office of Personnel Management; and a Subcommittee on Prevention Education, chaired by a Special Assistant to the Secretary of Education—illustrates the flexibility and variety and breadth which is being achieved to bring together both the efforts to control the market for drugs, as well as the strong enforcement efforts which are going on through international cooperation, interdiction, eradication, and investigation and prosecution.

Two days ago, I met with our country attachés from the Drug Enforcement Administration who gave me their ideas on how we can do a better job in terms of dealing with foreign countries. We now have more foreign countries cooperating with the United States in terms of eliminating and interdicting drugs being exported from their nations than we have ever had before in history. In June, there will be the first ever United Nations Conference on Illicit Drugs, at which time we hope to get considerable progress in obtaining commitments from all the countries that are participating in the conference in regard to extradition, mutual legal assistance treaties, and other matters of international cooperation.

Yesterday, I spent most of the day in St. Louis with our drug enforcement coordinators from the various regional task forces who are involved in the investigation and prosecution of drug cases. Here again, the enthusiasm of these new task forces, which have now been organized and have been in existence for about 4 years, was demonstrated not only in the comments and the discussion at the conference, but also the fact that all of the major law enforcement agencies of the Federal Government were represented there by top command personnel. And the results which these task forces have been obtaining is increasing and expanding each year.

There are a number of specific achievements that have been made under the direction of the Drug Policy Board. They are listed in my prepared remarks, and so I will not go into them in detail now, except to say that a number of progress reports and strategy reports have been filed with this committee. I think it is important to note that one of the upcoming events that will be taking place will be the White House Conference for a Drug-Free America, which will expand from the Federal Government to bring in experts and interested people from the outside to further continue our efforts at the control of these drugs.

Mr. Chairman, you have asked specifically that we give you our comments on the so-called "drug czar" bill, Senate Bill——

The **Chairman**. I do not know the number either. Do not worry.

Attorney General **Meese**. Senate Bill 789. I had the numbers transversed here. I would like to do that now, and I am sure this will be a subject on which you and I may wish to engage in further conversation during the course of this hearing.

Basically, our analysis of this bill is that it is unnecessary because of the present existing organizational pattern; secondly, that it is undesirable in a number of its features; and, thirdly, that it would be a serious step backwards in terms of what has gone on in a progressive way during the course of the past 5 years.

Specifically, the drug czar legislation would confuse lines of authority; it would introduce conflict and duplication into the system; it would obscure responsibility and accountability among the agencies charged with various aspects of drug enforcement; it would create at least one additional layer of useless bureaucracy; it would interfere with the lawful exercise of governmental leadership. We feel it would set back our anti-drug efforts in the Federal Government by a minimum of 2 to 3 years. It runs contrary to basic principles of good organization and operation, and it would be directly contradictory to the lessons drawn from experience in similar situations in other fields.

I would like to say, however, Mr. Chairman, that I think there are some constructive things that this committee could do which would be extremely helpful to the Federal anti-drug effort. I believe that this committee could provide leadership to the Congress to get its own house in order in the drug field. The greatest problems faced today by those seeking to reduce drug trafficking and drug abuse can be summed up basically in three items:

First, the fragmented activity by a proliferation of congressional committees, each of which ask questions, hold hearings and require valuable resources of the leadership of the executive branch anti-drug agencies. There are 15 different committees in the Senate which are dealing with drug problems. There are 17 different committees in the House. We have over 60 different reports which must be filed and responded to in the course of the year by the various agencies.

A second major problem is the conflicting legislative enactments. One committee gets a passage in one bill, having particular departments do one thing. Another committee gets other provisions, either in a separate bill or often in the same bill, which are directly contrary to the original enactments which were made earlier on by the Congress.

The third major problem is the attempt by congressional committees to micro-manage executive functions in matters where they have inadequate knowledge and lack any expertise to make sound judgments.

I hope, Mr. Chairman, that the committee can give its attention to this positive contribution that it could make to the anti-narcotics effort.

I will conclude my statement at this point so that I can respond to any question that you or Senator Grassley may have.

The **CHAIRMAN**. Thank you very much.

I see from your statement consistency is in order. You have not changed your mind.

Let me begin. I have a number of questions, and I am sure Senator Grassley does.

According to the statute that created the National Drug Enforcement Policy Board, the Board is responsible for developing budget priorities for Federal drug enforcement agencies. In response to written questions that I submitted to you during the oversight hearings on the Justice Department, you stated and I quote: "For the fiscal year 1988 budget cycle, the Board did not have a formal budget process. Prior to submitting the budget to Congress, the Office of Management and Budget did brief the Board concerning Federal drug control resources and proposed budget action. The Board recommended no changes to the President. No vote was taken by individual members of the Board."

Now, Congress included specific language about budget priorities because we thought this was central to the idea of developing a coordinated strategy. I do not believe that any of us in the Congress envisioned that the Office of Management and Budget would merely brief the Board on budget decisions that had already been made.

Why hasn't the Board, Mr. Attorney General, developed a formal budget review process, especially given the statutory mandate?

Attorney General **MEESE**. I do not know who answered that question, Senator. It was not me, but perhaps they came from my office. Let me give you a more detailed analysis of what did go on.

The **CHAIRMAN**. Just to clarify, that was in response to a written question directed to you, I assume answered by your office.

Attorney General **MEESE**. In any event, I think the point is that we did go through a detailed examination of the budget, and the Drug Policy Board was satisfied that the relative allocations to the various functions—particularly between investigation and prosecution, interdiction, prisons and the like—was an appropriate allocation for fiscal year 1988. The committee has reviewed the budget in terms of its previous history, the history of the allocation of resources to the various components of our anti-drug program.

We felt that for fiscal year 1988 the basic allocations were appropriate. We have set up an improved basis of analysis to watch this in the course of this year so that for fiscal year 1989 we can have an even more refined process. But I think that the committee is doing certainly as much as can be expected in terms of making the decisions as to how the budget ought to be defined.

We have, for example, in the Department of Justice made some very careful refinements, since we have the primary budget resources, in the investigation and prosecution field. We have made those known to the Board. The Board has agreed, and they have been reflected in our budget. The same has been true in the interdiction effort by Customs and by the Coast Guard. So I think that we are well satisfied with the budget at this time.

I would anticipate, however, that as our processes and our staff work gets more refined, we will be making more of an input into the budget process in the future.

The CHAIRMAN. Well, I guess that is really the dilemma. You are all satisfied and we are not.

Attorney General MEESE. Well, but we have the responsibility for producing the budget, too.

The CHAIRMAN. Yes, you have responsibility for producing the budget. We have responsibility for passing the law. What we asked was that there be a developed and coordinated strategy that would have not only near-term but long-term budget recommendations and priorities.

For example, did you sit down and talk in that Board about what the budget should look like 3, 5, and 10 years from now? Was that part of the discussion? Have you come up with a plan?

Attorney General MEESE. Yes, it is, in the sense that we have looked at what our strategy is and we have deliberately looked at those kinds of things. We have looked at how much money we ought to put into interdiction, how much money into investigations. We have looked at our basic strategy, which has been submitted here, and that is reflected in the budget priorities at the present time. This is an ongoing and evolving process.

The CHAIRMAN. Have you submitted that? For example, when we sit down to review the defense budget, they are able to present to us what their needs, their budget requests are, and what they are likely to be not only this year, but next year and the next 5 years out. That is the kind of thing we are looking for. The intelligence agencies do the same for us. Have you done that?

Attorney General MEESE. Yes.

The CHAIRMAN. And we have that?

Attorney General MEESE. You have our basic strategic document that we filed with you.

The CHAIRMAN. But there are not numbers attached to that.

Attorney General MEESE. Well, there are in the budget requests, is my understanding, yes.

The CHAIRMAN. On this year's budget request, but how about what you are projecting?

Attorney General MEESE. I would have to look at the budget documents themselves, but I know it is reflected in our strategic document as to the directions in which we want to go.

The CHAIRMAN. We would like very much to see that.

Attorney General MEESE. Are you asking for another report now, beyond the budgets that are——

The CHAIRMAN. I am trying to figure out what you are doing, General.

Attorney General MEESE. Well, that is fairly easy if you follow it closely.

What we are doing is we have a basic strategy that has been filed with the Committee and with the Congress. That strategy has been implemented in the budget submissions by the various departments that are involved. I cannot tell you offhand how many years ahead those individual budget submissions provide, but it is my understanding that we provide at least three years ahead in all of those submissions.

These are refined on an annual basis and updated by the Drug Policy Board, and that is the basis on which we bring together the strategy and the budget.

The CHAIRMAN. The new Executive Order 12590 includes a provision that says, "Nothing in this order shall be deemed to affect the authorities or responsibilities of the Office of Management and Budget."

Could you explain why that was added to the Executive order?

Attorney General MEESE. That is normal boilerplate there because the final budget, pulling together the executive budget, has to remain in one set of hands; namely, the Office of Management and Budget. It does not, however, mean that the Board has any lack of ability to present their recommendations directly to the President, and he will make any decisions if there is a difference of opinion, say, between the Board and the Office of Management and Budget.

The CHAIRMAN. Can you give us an example where there has been a difference of opinion between the Board and the Office of Management and Budget?

Attorney General MEESE. Yes. There was a considerable difference in a number of the investigative and prosecutive decisions. These were discussed with the President, and ultimately the result was that we did have the increased prosecutive and investigative resources.

The CHAIRMAN. Is the Director of the Office of Management and Budget a member of the Board?

Attorney General MEESE. Yes.

The CHAIRMAN. Is that not sufficient to ensure that the views of the Office of Management and Budget are needed?

Attorney General MEESE. They are and, indeed, their views are expressed. As a matter of fact, the Office of Management and Budget makes a very helpful contribution to the Board by providing the data on which we are able to make our budgetary analyses.

The CHAIRMAN. You indicated that the Executive order gives the Drug Policy Board needed authority to coordinate our Federal drug control policy. I agree that making the Secretary of Health and Human Services a Vice Chair of the Policy Board focuses attention on the demand side of the problem. That is why the bill that I have introduced gives demand reduction responsibility to the Director of National Drug Control Policy.

Other than this change, what additional authority or clarification of duty is provided that does not exist in the underlying statute?

Attorney General MEESE. Primarily, it gives the National Drug Policy Board the policy responsibilities for the entire anti-drug field, including prevention, treatment, education, rehabilitation, and research—the so-called demand side aspects which were brought now together with the enforcement aspects in this new National Drug Policy Board. So it is taking an entire additional area of activity and bringing all the Federal anti-drug efforts together under the cognizance of a single policy board.

The CHAIRMAN. What additional authority does it give you?

Attorney General MEESE. It gives me the authority to provide the direction and the day-to-day coordination of what you might call the anti-demand or anti-market side of the drug system as well as the enforcement side.

The CHAIRMAN. When we worked on the statute back in 1984, I felt the most important provision was Section C of Section 1304. Let me read it to you.

> In carrying out the responsibilities under this Section, the Chairman, on behalf of the Board, is authorized to: one, direct with the concurrence of the head of agency employing such personnel the assignment of government personnel within the United States government in order to implement United States policy with respect to illegal drug law enforcement; two, provide guidance in the implementation and maintenance of policy strategy and resource development under Section A of this section; and, three, review and approve the programming of funds relating to budgetary priorities developed under Section A of this section.

I felt that these provisions would be the operative language directing you to fully coordinate Federal policy. My question is: Why does not the Executive order address any of these responsibilities of the Chairman?

Attorney General MEESE. The Chairman's responsibilities in those areas continue in the statute, and I do perform all of those functions as they pertain to the enforcement areas.

The CHAIRMAN. But is there a reason why they are not in the Executive order?

Attorney General MEESE. No particular reason that I know of. They are already in the statute, and the statute continues.

The CHAIRMAN. Have you ever exercised any of these specific authorities, such as directing the assignment of personnel to carry out the policies of the Board or reviewing and approving the reprogramming of funds relating to budget priorities of the Board?

Attorney General MEESE. Yes.

The CHAIRMAN. Could you provide the committee with any of the specifics of times you have exercised these responsibilities?

Attorney General MEESE. I would be happy to.

The CHAIRMAN. Good.

[Information follows:]

As Chairman of the Policy Board, I have directed, with the concurrence of the head of agency employing such personnel, the assignment on detail of the following government personnel to the staff of the National Drug Enforcement Policy Board or National Drug Policy Board.

1. Captain Kenneth Thompson
   U.S. Coast Guard

2. Lt. Colonel Paul V. O'Connell
   U.S. Army

3. Peter Lord
   Department of State

4. E. Meade Feild
   U.S. Customs Service

5. Patrick H. Tarr
   Drug Enforcement Administration

6. Philip C. Baridon
   Department of Justice

7. Eloy Garcia, Jr.
   Drug Enforcement Administration

8. James T. Schollaert
   Department of State

9. Charles Domroe
   Federal Bureau of Investigation

10. Nicholas Procaccini
    Department of Treasury

11. Tyrone B. Ayers
    Office of Personnel Management

12. Frank J. Frysiek
    U.S. Customs Service

13. Arthur A. Harkness
    Immigration & Naturalization Service

14. Robert J. Joura
    Drug Enforcement Administration

15. Judith B. Willis
    Department of Health and Human Services

16. David Pickens
    Department of Treasury

The CHAIRMAN. I have many more questions. I will take one more and yield to my colleagues so they can have a round, and then I will come back.

Some of the most important decisions the Policy Board must make are what programs are effective, what programs are not, and what is the right mix between investigation, prosecution, and overseas crop control, as well as education and rehabilitation.

Now, how do we allocate resources between supply and demand reduction? Has the Policy Board undertaken any comprehensive study of the cost effectiveness of each component of the drug control program—education, prosecution, research, interdiction—to determine the most effective allocation of the limited drug control resources?

Attorney General MEESE. Yes, Senator. We do that and we do that on a continuing basis. For example, we analyze on a regular basis the cost effectiveness of our investigation and prosecution activities, principally the organized crime/drug enforcement task forces. We analyze the interdiction activities. We evaluate, for example, Exercise Hat Trick which is going on at the present time. We have had several iterations of Hat Trick, and those have been analyzed.

Most of the prevention education programs are relatively new, and they have not been in existence long enough to have a cost-benefit analysis, but those also will come under the same sort of scrutiny.

We have made adjustments in our programs based upon these analyses as to what works and what does not work. The most recent example of this is how our activities along the Southwest border were reorganized on the basis of our analysis so that we can get more benefit out of Operation Alliance which is going on there.

We found also that one of our analyses revealed that while a good deal of increased effort was going into investigation and into DEA agents, FBI agents, Customs agents and the like, that in the system a deficiency was the inability to have adequate prosecutors to process these cases once they were brought in. And so this provided us a basis for recommending to the President, which he agreed to, to increase the number of prosecutors, particularly along the Southwest border. This has been done.

In addition to this, another deficiency in the system and in the allocation of resources was in the prison system. The percentage of prison population as well as the gross numbers related to drug offenses has grown considerably. One of the things the Board recommended was the need for additional prison facilities so that we can look at a system-wide approach to the whole matter of resource allocation.

So the kinds of things you are talking about have, in fact, been done on a continuing basis and will be done.

The CHAIRMAN. One last question to follow up on that. Explain to me how the process works. If tomorrow the Congress appropriated and the President did not veto—or if he did veto and it was overridden—an extra $500 million for drug control, and left it up to the Policy Board to decide where the money would go, how would you go about making the decision?

Attorney General **Meese**. We have never had that fortunate circumstance as a model, but if we did, if we had $500 million of unallocated resources—which is certainly a great way to do it, and we would appreciate that very much if Congress had so decided and the President agreed—then what we would do would be to develop an analysis of the requirements, the competing options and the basis on which this money could be used; and then we would, with the help of the staff, develop a number of different allocations.

I would say that probably right now some of that money would be allocated to the prison system, which is one of our major and priority needs. We would also be allocating a great deal to the offshore interdiction effort on the Southeast coast of the United States. I cannot give you the precise results.

The **Chairman**. No, no, I am not suggesting that.

Attorney General **Meese**. But the process would be that the coordinating group for enforcement and the coordinating group for prevention and health matters would develop a series of requirements and a series of suggested options. These would then come to the Board with the reasons therefor; the staff would do a detailed analysis of each one. Then the Board would sit down and discuss this over a period of time and make its recommendations.

The **Chairman**. Now, my question is, why do you not do that now?

Attorney General **Meese**. We do.

The **Chairman**. You do that now. So there is a proposal that you have as to how you would like to see the allocation of resources, and the rationale for why each of those expenditures are more important than others.

Attorney General **Meese**. Right. Let me give you an example. The analysis showed that one of our major problems was in the Southwest border area. The Board met; on the basis of the recommendations of the coordinating group on enforcement, it was determined that more resources should be allocated to the Southwest border.

As a result of this, a coordinated plan was developed by a subcommittee of the coordinating group headed by the Assistant Secretary of the Treasury. We came up with a plan for allocating additional IRS agents, additional DEA agents, additional Customs agents, additional Border Patrol agents. Special training courses were made necessary in order to provide a backup for this, to have the trained personnel. We set up a new joint command group to provide the coordinating mechanism to make this work.

At that point, by continued evaluation, it was determined that if we were going to do that we would need more prosecutors. Therefore, in the supplemental appropriation, or I guess maybe it was the main appropriation for 1987, we obtained some 60 or more assistant U.S. attorneys; and based upon the program of the Drug Board, the bulk of those attorneys were assigned to the Southwest area. It is a case study, if you will, of the resource allocation system.

The **Chairman**. I would like to follow up on that, but I yield to my colleague.

Senator **Grassley**. Mr. Meese, I am sure that what I am going to ask is not anything new that you have had to consider, but I want to ask because these are the concerns we hear expressed all the time.

Basis number one, the fact that it is a mammoth job coordinating and overseeing drug enforcement and the control of illegal drugs; number two, the fact that you and Secretary Bowen and a lot of other members of the Board have tremendous responsibilities already in what you are doing—in light of those existing responsibilities, how effectively can you fulfill this coordinating role?

Attorney General MEESE. Senator, primarily by careful management of my time and setting priorities. I set the anti-drug program as one of the top priorities of my office. In addition to that, we have recruited a very good staff for the Board, and also I have recruited a special assistant to me who works full-time, some 60 or 80 hours a week, on the drug program and who expands or institutionalizes, if you will, my ability to provide the leadership for this organization.

Senator GRASSLEY. Now, we have heard the arguments in favor of establishing a drug czar, that that is necessary due to the fragmented and overlapping approach to the drug problems. As a result of all that, there is no central accountability.

Attorney General MEESE. Well, that just is not true, Senator.

Senator GRASSLEY. Well, I want your answer to that. Can that accountability gap be satisfied by the Drug Policy Board?

Attorney General MEESE. Yes, Senator. It not only can, but it has been.

Senator GRASSLEY. Okay. As Chairman of the Drug Policy Board, are you personally willing to be accountable for the government's efforts in this area?

Attorney General MEESE. Yes.

Senator GRASSLEY. I have no further questions.

The CHAIRMAN. Senator DeConcini.

Senator DECONCINI. Mr. Chairman, thank you.

Mr. Attorney General, thank you for being here. Let me start off, Mr. Chairman, asking for my full statement to be put in the record.

The CHAIRMAN. Without objection.

[The statement of Senator DeConcini follows:]

STATEMENT OF SENATOR DENNIS DeCONCINI
DRUG COORDINATION HEARING
MAY 14, 1987

IN 1979 THE GENERAL ACCOUNTING OFFICE ISSUED A REPORT TO CONGRESS ON THE UNITED STATES DRUG EFFORTS. THE REPORT STATED, AND LET ME QUOTE: "IF ANY IMPROVEMENT IS TO BE MADE IN COORDINATING FEDERAL DRUG CONTROL EFFORTS, SOMEONE IS NEEDED WHO HAS A CLEAR DELEGATION OF AUTHORITY FROM THE PRESIDENT TO MONITOR ACTIVITIES AND DEMAND CORRECTIVE ACTIVITIES."

BECAUSE OF THAT GAO REPORT, SENATOR PELL AND I INTRODUCED LEGISLATION IN THE 97TH CONGRESS THAT WOULD HAVE CREATED AN OFFICE OF NATIONAL AND INTERNATIONAL DRUG OPERATIONS AND POLICY. THE DIRECTOR OF THE OFFICE WOULD HAVE HAD THE RESPONSIBILITY FOR DEVELOPING AND COORDINATING THE DRUG ENFORCEMENT ACTIVITIES OF ALL FEDERAL AGENCIES.

A SECOND GAO REPORT ON OUR DRUG ENFORCEMENT EFFORTS ISSUED IN 1983 CHARGED--AND I QUOTE--THAT THE U.S. DRUG ATTACK WAS BEING "HINDERED BY A LACK OF COORDINATION AMONG FEDERAL LAW ENFORCEMENT OFFICIALS."

IN 1983 PRESIDENT REAGAN VETOED A CRIME BILL THAT WAS PASSED BY THE SENATE 95-1, A KEY PROVISION OF WHICH WAS OUR BILL TO CREATE A "DRUG CZAR".

IN 1984, THE PRESIDENT FINALLY RESPONDED TO THE LACK OF COORDINATION AND ANNOUNCED THE CREATION OF A NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM (NNBIS). IT WAS CREATED UNDER THE AUSPICES OF THE VICE PRESIDENT AND CHARGED WITH COORDINATING FEDERAL DRUG INTERDICTION ACTIVITIES. BACK WHEN NNBIS WAS ANNOUNCED, I WAS BRIEFED AT THE WHITE HOUSE BY MR. MEESE. I TOLD MR. MEESE THEN THAT I DIDN'T THINK A PART-TIME COORDINATOR WOULD BE UP TO THE JOB.

A 1985 GAO REPORT ON NNBIS DELIVERED THIS CONCLUSION, AND I QUOTE: "IN ITS FIRST YEAR OF OPERATION NNBIS MADE NO DIFFERENCE WHATSOEVER IN 97 PERCENT OF THE DRUG INTERDICTION CASES STUDIED." I PRAISE THE FINE JOB THE VICE PRESIDENT HAS DONE IN THE DRUG INTERDICTION AREA, BUT HE NEEDS HELP, FULL-TIME HELP.

IN JANUARY OF 1985, THE DRUG ENFORCEMENT POLICY BOARD WAS CREATED--A CABINET LEVEL BOARD UNDER THE DIRECTION OF THE ATTORNEY GENERAL DESIGNED TO DEVELOP GOVERNMENT WIDE DRUG ENFORCEMENT PROGRAMS AND TO COORDINATE EFFORTS OF FEDERAL AGENCIES.

GAO HAS BEEN LOOKING INTO THE POLICY BOARD'S OPERATION AND WILL ISSUE A REPORT IN JULY. AT A BRIEFING LAST WEEK, GAO SAID ABOUT THE POLICY BOARD, "THERE IS A STRONG NEED FOR CENTRALIZATION, THEY COULD DO A LOT MORE."

A FINAL REPORT BY THE OFFICE OF TECHNOLOGY ASSESSMENT, WHICH WAS COMMISSIONED BY CONGRESS LAST YEAR, STATED THAT "ILLEGAL DRUG IMPORTS APPEAR TO BE INCREASING AS FEDERAL AGENCIES MOUNT FRAGMENTED AND OVERLAPPING ATTACKS ON DRUG TRAFFICKERS WHO USUALLY OUTWIT THEM."

YOU WOULD THINK BY NOW WE WOULD HAVE THE PROBLEM SOLVED--AND THAT THE FEDERAL AGENCIES AND PERSONNEL INVOLVED IN STOPPING THE FLOW OF DRUGS WOULD HAVE STRONG, COORDINATED DIRECTION. YOU WOULD ALSO THINK THE DRUG TRAFFICKER TRYING TO DELIVER HIS DEADLY POISONS INTO OUR COUNTRY WOULD BE MEETING A STRONG DEFENSE AT OUR BORDERS.

INSTEAD, CONGRESS HAS CONTINUALLY HAD TO MOUNT THE ANTI-DRUG INITIATIVES, WHILE THE PRESIDENT HAS CONTINUED TO CUT THE BUDGETS OF AGENCIES WORKING ON THE DRUG PROBLEM. WE HAVE NEVER HAD A CONCERTED NATIONAL EFFORT USING ALL THE AVIALABLE RESOURCES AND PERSONNEL.

IT SEEMS THE RIGHT HAND DOESN'T KNOW WHAT THE LEFT HAND IS DOING. LET ME GIVE A FEW EXAMPLES.

--LAST YEAR DURING CONGRESSIONAL HEARINGS, CUSTOMS COMMISSIONER WILLIAM VON RABB SAID THERE WAS MASSIVE OFFICIAL CORRUPTION IN MEXICO, AND THAT THE GOVERNOR OF SONORA OWNED FOUR RANCHES THAT PRODUCED MARIJUANA AND OPIUM. ASSISTANT SECRETARY OF STATE ELLIOTT ABRAMS AGREED WITH VON RABB'S TESTIMONY. A FEW DAYS LATER MR. ATTORNEY GENERAL, YOU APPEARED ON TELEVISION AND SAID THE STATEMENTS WERE RECKLESS AND DID NOT REFLECT THE THINKING OF THE ADMINISTRATION.

--LAST AUGUST, VICE PRESIDENT BUSH AND ATTORNEY GENERAL MEESE ANNOUNCED THE FORMATION OF OPERATION ALLIANCE--A CONCENTRATED DRUG ENFORCEMENT EFFORT ALONG THE SOUTHWEST BORDER. AT THAT TIME, THE ATTORNEY GENERAL SAID THAT CUSTOMS WOULD GET FOUR E-2C RADAR SURVEILLANCE PLANES FROM THE NAVY FOR USE ON THE SOUTHWEST BORDER. IN THE FALL, DURING WORK ON THE DRUG BILL, THE COAST GUARD WAS LOBBYING IN THE SENATE TO GAIN CONTROL OF ALL FOUR E-2C AIRPLANES TO BE TAKEN FROM THE SOUTHWEST FOR THE SOUTHEAST.

--THE CONSTANT TURF BATTLE SINCE PASSAGE OF THE DRUG BILL BETWEEN CUSTOMS AND COAST GUARD ON WHICH AGENCY WILL BE THE LEAD FOR DRUG INTERDICTION HAS GOTTEN SO OUT OF HAND THAT LAST MONTH THE COAST GUARD HEISTED $8 MILLION FROM THE CUSTOM'S BUDGET. I AM ASKING GAO TO INVESTIGATE.

--DESPITE TWO ACTS OF CONGRESS AND THE STRONG SUPPORT OF ATTORNEY GENERAL MEESE, THE DEPARTMENT OF DEFENSE REFUSED FOR MONTHS TO TURN OVER AN APS-138 RADAR TO CUSTOMS FOR DRUG INTERDICTION.

IN THE WAR ON DRUGS THERE IS NO ONE IN CHARGE OF COORDINATING ACTUAL OPERATIONS. NNBIS HAS NOT WORKED. THE DRUG ENFORCEMENT POLICY BOARD HAS NOT WORKED. THE BOTTOM LINE: IF NO ONE HAS COMMAND AUTHORITY AT THE CABINET LEVEL, THEN WE CANNOT COORDINATE. WITHOUT COORDINATION, THE SYSTEM WILL NOT WORK.

A NATIONAL DRUG COORDINATOR SHOULD BE IN CHARGE OF MAPPING OUT AND DIRECTING A NATIONAL WAR PLAN FOR ATTACKING THE DRUG PROBLEM ON ALL FRONTS. THIS PERSON SHOULD HAVE THE POWER TO TASK RESOURCES, TO FIGHT DRUGS, AND TO SET BUDGET PRIORITIES FOR THE DRUG ENFORCEMENT AGENCIES. THE DRUG COORDINATOR SHOULD HAVE THE CLOUT TO CUT THROUGH ALL THE BUREAUCRATIC AND TURF SNARLS THAT HAVE PLAGUED OUR DRUG EFFORT UP TO NOW.

SOME MAY ASK, "WON'T THIS SIMPLY INCREASE BUREAUCRACY?" I'M HERE TO TELL YOU THAT WE'RE NOT LOOKING AT MORE GOVERNMENT. WE'RE LOOKING AT MORE EFFICIENCY. WE'RE NOT LOOKING AT MORE RED TAPE. WE'RE LOOKING AT A BLUEPRINT FOR VICTORY.

WE CAN WIN ONLY IF WE ACT TOGETHER. WE CAN WIN ONLY THROUGH A SINGLE-MINDED AND COORDINATED NATIONAL DRUG ENFORCEMENT STRATEGY ON ALL FRONTS.

Senator DECONCINI. I thank you, Mr. Chairman, for the effort that you have put forth over the years trying to establish a national drug coordinator.

I understand the position that the Attorney General has taken in the past and respect it, though I disagree with it. The GAO reports that Senator Pell and I asked for back in the 97th Congress and that were concluded later, charged that our drug enforcement effort, and I quote, was being "hindered by a lack of coordination among Federal law enforcement officials."

In 1983, President Reagan vetoed a crime bill that was passed by the Senate 95 to 1, a key provision of which was to create a national drug coordinator. Senator Biden led the charge on the floor for that passage.

In 1984, the President finally responded to the lack of coordination and announced the creation of a National Narcotics Border Interdiction System, NNBIS. You were kind enough, Mr. Attorney General, to brief some of us down at the Executive office on this subject and also the Drug Policy Board later.

In 1985, GAO reported on NNBIS, delivered this conclusion, and I quote: "In its first year of operation, NNBIS made no difference whatsoever in 97 percent of the drug interdiction cases studied."

Now, I for one praise the Vice President, and did then, for his taking the time and putting the effort in.

In January of 1985, the Drug Enforcement Policy Board was created, a Cabinet level board under the direction of you, Mr. Attorney General, to coordinate the enforcement. GAO has been looking at that. We do not know yet their final report, but at a briefing last week GAO said about the Policy Board, "There is a strong need for centralization, they could do a lot more."

A final report will be coming from the Office of Technology Assessment, which was commissioned by Congress last year. It stated, "Illegal drug imports appear to be increasing as Federal agencies mount fragmented and overlapping attacks on drug traffickers who usually outwit them."

Now, my problem, Mr. Attorney General, is, one, that I appreciate the problems you have, first of all, with multiple committees here, different directions, and maybe what you term as micromanagement. But the problem from our perspective is that we do not think it is really coordinated to the maximum.

Instead, Congress has continually had to mount the anti-drug initiative, while the President has continued to cut those funds. We passed them, authorized them for local education programs, for rehabilitation programs, for state and local programs, for air interdiction, 2,000 cuts in Customs. It just seems to me like the right hand really does not know what the left hand is doing.

Last year during congressional hearings, Customs Commissioner William von Raab said there was massive official corruption in Mexico, and that the Governor of Sonora owned or controlled some ranches that produced marijuana and opium. Assistant Secretary Elliot Abrams agreed with Von Raab's testimony. A few days later, Mr. Attorney General, you appeared on television and said the statements were reckless and did not reflect the thinking of the administration.

Last August, Vice President Bush and you announced the formation of Operation Alliance, which I was very supportive of and had suggested, along with a number of Southwest border Senators, for some period of time, and I am glad that you have done that. At that time, you will recall, Mr. Attorney General, you had designated or the Administration designated that Customs would get four E-2C radar surveillance planes from the Navy for use on the Southwest border.

In the fall, during working on the drug bill the Coast Guard was lobbying in the Senate to gain control of all four of those E-2C airplanes to be taken from the Southwest border. The constant turf battle since passage of the drug bill between Customs and Coast Guard on which agency will be the lead for the drug interdiction has gotten so out of hand that just a week or so ago the Coast Guard heisted, actually took unauthorized, $8 million out of the Customs' budget. They have returned it, I am glad to say.

Despite all this, Mr. Attorney General, you did respond very forcefully recently with the problem with the APS-138 radar. But here we have the Defense Department dragging its feet, failing to move ahead after your Drug Policy Board that you head up made a decision. It just is so frustrating for us to see these things not take place. Certainly, when you are the Attorney General and the head of the Drug Policy Board, even you cannot make it move.

So my question is: What do we do to make it better? I realize you have put a lot of time into this, and I am not here to rip you up one side or the other. I am here to compliment you for some of the positions you have taken and the efforts you have given. It just seems to me that we are long overdue for really a commander on this; no reflection on your leadership or command responsibility, but somebody who could spend full-time and that would have the authority to task any agency, would be appointed by the President, would be able to make those decisions and tell the Secretary of Defense to turn over the radar and the helicopters as Congress has ordered and the Drug Policy Board has approved.

What is your response, Mr. Attorney General?

Attorney General MEESE. Well, Senator DeConcini, I know that you have been a strong advocate of effective action against narcotics for a long period of time. Therefore, I am somewhat distressed because in your comments here it reveals that a great deal of misinformation has been provided to you. That is why I would certainly enjoy the opportunity to provide a detailed answer to several of the things you have said. Some of the things I will try to comment on this morning, but also after the hearing I would like to perhaps provide information to you that would correct your interpretation, or misinterpretation of some of the facts.

First of all, on this radar thing, the radar problem could not be solved by an executive branch official if they had seven people working on it full-time. That was purely and simply a foul-up by the Congress in which an appropriation provision provided for the P-3 having this radar in one provision of the law, and in another provision of the law passed by a different committee they made it impossible to do so. I think there is a remedy through legislation. As you know, we have been discussing that as how that might be achieved, and I think that the problems the Congress created in this matter can be reconciled through an appropriate transfer of funds and subsequent legislation.

Senator DECONCINI. Let me beg to differ with you, Mr. Attorney General. I think you are missing the whole point. If there is a will, there is a way. We may have found a way here without passing new legislation, and thanks to your help, but it took four months. And you want to lay the blame up here on Congress when Congress very clearly said what the Defense Department was to do. Then the lawyers come up with this legal defense that you cannot move these things because they are under contract. I have been through that. I do know the facts.

Attorney General MEESE. I know the facts, Senator, and there would not have been a problem if it had not been for the difficulties created in the legislation itself.

Let us take another matter, the matter of cuts. This administration has not made cuts in the Federal effort on drugs. There is a $72 million increase requested in the fiscal year 1988 budget for the Federal effort against drugs. The cuts that were made were made by a different administration prior to this administration coming into office. We have more than tripled the amount of resources going into the drug field.

Senator DECONCINI. Mr. Attorney General, excuse me. How can you say that when your budget, the administration budget, cut 2,000 people, 80 some million dollars, out of Customs?

Attorney General MEESE. This cut was not from the narcotics interdiction portion of the Customs Service, and we have had an increase in the enforcement effort. I will demonstrate it with the figures, and I will provide you the figures to show that of what has happened since 1981 as far as this administration is concerned.

Furthermore, you talk about a rivalry between Coast Guard and Customs. There is, obviously, vigorous advocacy in these organizations as to missions, but there has been a memorandum of understanding achieved between these organizations as a result of the direct leadership of the National Drug Policy Board.

The E-2C division that occurred was actually, again, passed by Congress in legislation that divided the four E-2Cs between Coast Guard and Customs; whereas, had it been left to the Drug Policy Board, I think a different resolution might have been achieved.

Senator DECONCINI. Excuse me, Mr. Attorney General. Somebody is not telling you what happened up here on the E-2Cs. Your administration supported in the Operation Alliance for four E-2Cs. Your administration, because Coast Guard is part of it, came up here and lobbied taking all the E-2Cs to the Coast Guard. We finally have to resolve it, Congress, two and two.

Where is the right hand telling the Coast Guard, we are doing the Southwest border with four E-2Cs, that is what we want?

Attorney General MEESE. Had it been left to the Drug Policy Board, we would have resolved that and perhaps in a different way.

Senator DECONCINI. Good. I am glad you agree that it should have been resolved. That is my point.

Attorney General MEESE. It would have been resolved had Congress not intervened and made its decision.

Furthermore, Senator, you are absolutely incorrect on the Coast Guard supposedly stealing $8 million. In February of 1987, Customs and the Coast Guard agreed in writing that Customs would reimburse Coast Guard $8 million to provide helicopter and secure communications support in the Bahamas. This was something that apparently you read in the newspaper. It just is incorrect.

Senator DeConcini. Mr. Attorney General, that is inaccurate. That letter between Mr. Yost and Mr. Von Raab was to buy helicopters, purchase of helicopters. That is not what Mr. Yost took the $8 million for, not to buy a single helicopter.

There is a difference, Mr. Attorney General, and I will submit for the record the list of what was attached to that letter that you are making reference to between Von Raab and Mr. Yost, dated February 11th, and you will see what it talks about, Mr. Attorney General, what was going to be purchased with it.

[Information can be found in committee files.]

Senator DeConcini. Now, the Coast Guard has come back saying, well, now we are going to buy helmets, we are going to buy body armor, we are going to buy ground support equipment. Nothing in here about purchasing new helicopters.

Mr. Attorney General, we could go on a long time, and I would be more than happy to meet with you because I think you are committed to it. But my point is that it has not worked as a national coordinator might work. And I am not sure that is the absolute, sole answer to it, but obviously we are missing the boat. Time is going by. We do not have the radar. We do not have the airplanes. You lay it on us, and we lay it on you. In the meantime, the drugs come through this country at a greater speed than ever before.

Attorney General Meese. Well, Senator, I think on our side at least, we have made tremendous progress, and we have made tremendous results which I mentioned to the Chairman before you got here and I would be happy to give you data concerning the progress that has been made and the results that are being achieved.

I think the important thing is that simply adding on another layer of bureaucracy, simply setting things back 2 or 3 years to where we were in 1984 before we had the new organization is not going to do the trick. I think it is significant that the idea of a so-called drug czar is opposed unanimously by all the members of the Drug Policy Board, by the President, by the International Association of Chiefs of Police, by the National Association of Attorneys General, and was specifically criticized as an idea by the President's Commission on Organized Crime.

So outside of people here, a few people——

Senator DeConcini. Outside of the 95 to 1 vote here?

Attorney General Meese. No. Outside of a few people here, I think those who are most involved in the enforcement field think it is a bad idea and an idea that will only further confuse and add to whatever problems you perceive that are in the system now.

Senator DeConcini. Well, Mr. Attorney General, I could not disagree with you more, because those experts have to look to Congress for the funds. And we may not be the experts that you think you are, but some of us have been working on it a long time. We deal with the people who want results. They are not getting it. And not to your fault, I am not blaming you. I am saying it is not working.

I only hope that you would reassess how you make this work. Maybe you need to take full-time and do it. I do not know how you could do that as Attorney General because you have got many, many other responsibilities. But if you think this thing is running down the track full blast and we are really doing a good job, it just is not the case. We have to be part of the blame.

I think the administration has to decide to find something new that is going to work. GAO does not go down there and go through these Drug Policy Boards and NNBIS and for the fun of it, say, "it is not working, we need a coordinator." They have come to an unbiased conclusion that you need a coordinator.

Attorney General MEESE. Senator, it is certainly not unbiased. GAO will tell you whatever you want to hear. I do not think you can say that that is an unbiased conclusion. They certainly have some predilections as they go into these problems.

Senator DECONCINI. How about the Office of Technology? It is biased, too?

Attorney General MEESE. The Office of Technology report that I read was the shoddiest piece of work that I have seen. Its conclusions were out-dated, the information was inaccurate, and it was just absolutely wrong.

Senator DECONCINI. What about a vote 95 to 1 here establishing that they think they should have a national drug coordinator? Is that vote biased?

Attorney General MEESE. Well, Senator, that vote was an entire bill at a time when there was no narcotic organization in existence. There was no coordinated effort. That was in 1983, I believe. Now it is 4 years later. That is the point I have been trying to make. We have a different organization. It is not perfect. Nothing in government is perfect or ever will be. But I think we have come a long way. The results are considerably better than they were 4 years ago. We have much more resources, and they are being marshaled and mobilized in a coordinated manner.

All the problems you have raised here would not be helped at all by a so-called drug czar. They would only be exacerbated because you would add another layer of bureaucracy to the program, and the problems would not be solved.

I have suggested in the course of my testimony today some ways in which we could help solve the problem, part of which would be some changes in the way in which the legislative effort is being pursued. There are also changes we can make and we are making. I think that we have made great strides, quite frankly, and I would be happy to brief you in more detail, if you wish, in terms of the relationship between the organizations that are involved, particularly Customs and Coast Guard.

I think just within the last month there has been progress made.

Senator DECONCINI. Mr. Chairman, thank you. I have taken an ample amount of time, and I appreciate the Chairman's indulgence. I just have to add that I wish I could be as optimistic as the Attorney General is that things are so improved and we are really tackling this problem, because I disagree with that. I think the facts are very clear that we have a long way to go, and we are not talking about a new bureaucracy.

The bill that the Chairman of this committee offered to create a national drug coordinator has an authorization of all of $500,000. Now, that is not a new bureaucratic layer. That is to have one person to tell the rest of the Cabinet when the President says, "Do something," to see that it is done.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. For the record, I would like to submit the Select Committee on Narcotics Abuse and Control list of drug funding cuts that you say were not cut. Maybe you could respond to it.

Attorney General MEESE. I would be happy to respond.

[Information follows:]

FUNDING CHART: ANTI-DRUG ABUSE ACT OF 1986

[Fiscal years 1988 and 1989—In millions of dollars]

Program:		
State and Local Narcotics Law Enforcement Assistance Grants	230	230
White House Conference for a Drug Free America	2	
Customs Forfeiture Fund	[1] 20	20
Financial Assistance for Drug Abuse Education and Prevention Programs	250	250
Technical Assistance provided by the Secretary of the Interior to assist in the development of Tribal action plans	1	1
Planning, Design, Construction, and Renovation of emergency shelters or half-way houses to provide emergency care for Indian youth	5	5
Operation of emergency shelters or half-way houses	3	3
Investigation and control of illegal narcotics traffic on the Papago Reservation along the border with Mexico	.5	.5
Eradication of marijuana cultivation within Indian territory	([2])	([2])
Bureau of Indian Affairs law enforcement and judicial training relating to narcotics and in alcohol and substance abuse prevention and treatment	1.5	1.5
Construction and renovation by the Secretary of the Interior of Juvenile Detention Centers	10	10
Staffing and operation of Indian Juvenile Detention Centers	5	5
Total	+528	+526
Staffing of Indian Youth Regional Alcohol and Substance Abuse Treatment Centers	3	3
Federally owned local residential or regional alcohol and substance abuse treatment centers for Indian youth	3	3
Community-based rehabilitation and follow-up services for Indian youth who are alcohol or substance abusers	9	9
Training and community education for Indians in alcohol and substance abuse	([2])	([2])
Navajo Alcohol Rehabilitation Demonstration Program	.3	.3
ACTION Grants for Drug Abuse Prevention	[3] 5.5	
ACTION Grants in support of Drug Abuse Prevention	[4] .5	
Study by Labor Secretary on Drug Abuse at the Workplace	[5] 3	
National Park Police Authorization, Narcotics Enforcement	[6] 1	1
Basic grants to States to establish minimum Federal standards for testing of commercial motor vehicle operators	[7] 5	5
Supplemental grants to States to develop a program for testing and ensuring the fitness of persons who operate commercial motor vehicles	3	[8] 3
Establishment of Commercial Driver's License Information System	[9] 2	2
Grants to States to issue commercial motor vehicle licenses and to test operators of commercial motor vehicles		[10] 5
National Forest System Drug Control	10	10
Total	+45.3	+41.3
Grand total	+573.3	+567.3

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[1] There are authorized to be appropriated from the Customs Forfeiture Fund for each of the fiscal years beginning with fiscal year 1987 not more than $20 million. At the end of each of fiscal years 1987, 1988, 1989, and 1990 any amount in the fund in excess of $20 million shall be deposited in the general fund of the Treasury. At the end of fiscal year 1991, any amount remaining in the fund shall be deposited in the general fund of the Treasury, and the fund shall cease to exist.

[2] Such sums.

[3] The $5.5 million authorization is for fiscal years 1987 and 1988.

[4] The $0.5 million authorization is for fiscal years 1987 and 1988.

[5] The $3 million authorization is for fiscal years 1987 and 1988.

[6] This is an annual authorization (for fiscal year 1987, and each fiscal year thereafter).

[7] This $5 million authorization for basic grants for testing of operators of commercial vehicles is to come from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1987, 1988, 1989, 1990, and 1991. Section 404 relates to commercial motor vehicle safety grants.

[8] This $3 million authorization for supplemental grants for testing of operators of commercial vehicles for both fiscal year 1988 and fiscal year 1989 is to come from funds made available to carry out section 402 of the Surface Transportation Assistance Act of 1982. Section 402 relates to highway safety programs.

[9] This $2 million authorization is to come from funds made available to carry out section 402, highway safety programs, of title 23, United States Code, by the National Highway Safety Traffic Administration for each of fiscal years 1987, 1988, and 1989. Such funds shall remain available until expended.

[10] This $5 million authorization is to come from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991. Section 404 relates to commercial motor vehicles safety grants.

The CHAIRMAN. I am always impressed by your disdain for the Congress, General.

Attorney General MEESE. No disdain whatsoever, Mr. Chairman.

The CHAIRMAN. It is one of the reasons why I think you have such a good relationship with everyone up here.

Attorney General MEESE. Well, I have appreciated, Mr. Chairman, very much the support and assistance we have received, particularly from Senator DeConcini, because we have had the opportunity to work together on a number of these matters. I can assure you that the fact that we disagree on some matters will not in any way deter me from continuing to cooperate with this committee and with the members.

The CHAIRMAN. Well, your cooperation has always been interesting.

I would like to yield to the Senator from Pennsylvania.

Senator SPECTER. Thank you, Mr. Chairman.

Attorney General Meese, this year when we approached the budget consideration, I set out on a series of hearings in my State, and I had particular concern about the funding for fiscal year 1988 on the drug program. And as you know and the world knows, with much ballyhoo the Congress appropriated $1,700,000 last year with about $671 million to be made available for State and local government. Pennsylvania had a share of $24 million for a variety of purposes: for education, for rehabilitation, for law enforcement, for prevention. And I was very disheartened to find that the execution of the drug plan was non-existent as it related to funneling the money out in my State. I believe that it represents pretty much a national picture.

There is tremendous need. I visited the county jail in Pittsburgh and visited the county jail in Camp Hill, in central Pennsylvania, in Lehigh County and Philadelphia County, and the same picture exists everywhere: that about 80 percent of the people who come into the jails have drug-related problems; that the recidivism rate is very high—in Lehigh County where I visited on Monday, it was 83 percent—and there is a tremendous shortage of staff and facilities at all levels.

My question is: What can we do to expedite the execution of this program to make these funds available to areas and programs which are in such desperate need on this very critical problem?

Attorney General MEESE. Senator, I share your concern, and it is my understanding that it took, obviously, some time for a brand new program to have the regulations established with the necessary comment period and to get the forms and regulations out. It is my understanding that this has been done, that the money is being disbursed promptly at the present time; and if the various officials in your State have made their applications for the funds, I am sure that they are in the process of being disbursed.

I will look into it directly to find out.

Senator SPECTER. Well, Attorney General, I do not think that is the case.

Attorney General MEESE. I have been informed that it is, Senator, but I will look into it, certainly.

Senator SPECTER. Well, I wish you would and let this committee know.

On the Appropriations Subcommittee, we had Secretary of Education Bennett in, and I raised the same issue with him. It developed that Pennsylvania had not made its application. I asked the next question, which was: What had the Federal Government done to prod Pennsylvania to make its application and get the funds out?

Well, you have a little reaction to that. My sense is I am prodding the Pennsylvania officials myself, but I believe the problem is so serious and the Congress has placed the responsibility in the Federal Government to administer the program, so that if a State does not make the application, it would be my hope that the Federal administrators would pick up the phone or write a letter and say, "These are the funds which are available; these are the areas of need that the Congress has designated. Get with it."

Attorney General MEESE. Senator, we have done that. We have had our representatives go to every national association of State officials to work with them, to get their suggestions on how we could improve our processes, to let them know what is available. So we are doing that. If there are ways in which we can expand that effort, we certainly would.

But it is my understanding these funds are going out now and the States are applying, but I will check into it personally.

Senator SPECTER. I wish you would and get back to us as to what progress there has been made; because as we go through the appropriations process, we have no experience as of this moment to guide our appropriations process for the next fiscal year. We just have not had any experience. I think we have a very heavy responsibility to follow up on it, because we took great credit, everyone in Washington did—the executive branch as well as the legislative branch—in terms of what we did.

Mr. Attorney General, let me ask you just how you administer the drug program. My sense has been that there is a need for a full-time executive direction on the program, and I do not know of anybody in government who has more responsibilities than the Attorney General does. How much of your time are you able to give to the drug program?

Attorney General MEESE. Well, Senator, I am not trying to evade your question because I have never kept an hour-by-hour accounting of that, but I give as much time as is necessary to accomplish it. There are some days when I give 100 percent of my time. There are some weeks when I give virtually 100 percent of my time. There are other days when I give less than that. But what I have done is structured a system within my office with an effective staff for the National Drug Policy Board, as well as having a full-time personal assistant who constitutes my arms and legs and eyes and ears so that I can give as much time, probably, as an additional Cabinet member if that person were appointed under this so-called drug czar bill.

Actually, I can do a more effective job because, if you had that drug czar, it would only add to the confusion that would actually require more of my time to try to set things straight in my own department if I were forced to live under that kind of a regime.

Senator SPECTER. Well, Mr. Attorney General, how can that be true, that you can give it more time than a full-time Cabinet officer?

Attorney General MEESE. Because a full-time Cabinet officer, an additional Cabinet officer meddling in this field would only add to the confusion, the contradictions, the duplications, and would stir up so much of a problem. As I mentioned before you came in, it would set the whole program back 2 to 3 years.

Senator SPECTER. Why?

Attorney General MEESE. Well, because you would have one more player meddling in the thing that would have authority to interfere with and conflict with the authority now exercised by Cabinet members.

Senator SPECTER. Well, do you not essentially have that problem at the present time?

Attorney General MEESE. No.

Senator SPECTER. With those responsibilities on the shoulders of the Attorney General, do you not have the same issue about other Cabinet responsibilities?

Attorney General MEESE. No, because we have an ability through the Drug Policy Board to provide the coordination to develop the policies, to achieve an agreement among the members of the Board, and to then have the individual department heads carry out their lawful responsibilities.

Senator SPECTER. Attorney General Meese, do you have one personal assistant who devotes full-time to the drug issue?

Attorney General MEESE. I have; yes, I do.

Senator SPECTER. And who is that?

Attorney General MEESE. That is Craig Coy.

Senator SPECTER. And his responsibilities are?

Attorney General MEESE. He is the assistant to me as the Chairman of the National Drug Policy Board to work full-time on these matters. In addition to that, I have many other assistants who devote a sizable portion of their time to it.

Senator SPECTER. Mr. Attorney General, there is a related issue on the drug program, which is not 100 percent but a subject I want to bring up; that is, the issue of appointment of Federal judges which impacts very heavily on this matter because of the backlog in the Federal courts.

Attorney General MEESE. Yes.

Senator SPECTER. It is my understanding that there are more than 50 Federal vacancies at the present time where nominations have not been submitted. Is that approximately correct?

Attorney General **Meese**. I believe that is true. I went through a review of this earlier in the week to find out where they are in the system, and I believe that may be approximately true.

Senator **Specter**. Well, I know Senator Biden, the Chairman of this committee, is very anxious to have those nominations submitted, because he has very heavy confirmation plans in minds for 1988, and there is a real interest that we all have on expediting that nomination process. When do you anticipate those 50 position nominations will be submitted to the President?

Attorney General **Meese**. Well, many are before the committee at the present time. Some are before the ABA. Others——

The **Chairman**. If the Senator would yield, none of those 50 are, are they?

Attorney General **Meese**. It is my understanding that in the 50 there are some 20 nominations now pending before the committee.

Senator **Specter**. Well, there are some 20, but that is a total in the 70s. I think there are more than 50 positions which are vacant for which there have been no——

Attorney General **Meese**. I can tell you that the vast majority of those that are not already before the committee are either in the ABA or the FBI process, and that is the primary problem. There are only two out of the number that we are talking about that are presently pending in the Department of Justice. Most of them are either going through the FBI and ABA scrutiny, or we have not yet received the names from the Senators who are proposing them.

Senator **Specter**. Mr. Attorney General, could you provide this committee with the statistics updated as to how many vacancies there are?

Attorney General **Meese**. Certainly.

[The following was subsequently supplied for the record:]

STATUS OF JUDICIAL VACANCIES: AUGUST 4, 1987

PENDING SELECTION (8 - 13)	PENDING ABA/FBI REVIEW (23)	PENDING FINAL WH APPROVAL (2)	PENDING SJC HEARING (20)	PENDING SJC VOTE (3)	PENDING SENATE VOTE (6)	JUDGES CONFIRMED 1987 (21)
			(Sent to SJC: weeks pending)			
			Siegan (2/2: 27)	Larimer	Sentelle	Marsh
			Charrow (2/2: 27)	Tinder	Lamberth	Leavy
			Miller (2/5: 25)	Smith	Scirica	Zagel
			Liebeler (3/23: 20)		Hutchinson	Greenberg
			Conlon (4/2: 17)		Wolle	Daronco
			Gadola (4/23: 14)		Ellis	Raggi
			Webb (5/5: 13)			Doty
			Torres (6/23: 6)			Lew
			Beam (7/1: 4)			Futey
			Musgrave (7/1: 4)			Robinson
			Turner (7/1: 4)			Andewelt
			Smith (7/1: 4)			Kanne
			Standish (7/2: 4)			Stadtmueller
			Bork (7/2: 4)			Alesia
			Parker (7/10: 3)			Mayer
			Treen (7/22: 1)			Phillips
			Mukasey (7/23: 1)			Kelly
			Dwyer (7/28: 1)			Bell
			Voorhees (7/31: 0)			Turner
			Cummings (7/31: 0)			McKinney
						Pro

Nominations Now Before the Senate: 29
Nominations Pending in White House: 2

Total: 31

Senator SPECTER. How many are pending before this committee, according to your figures; how many spots are unfilled? Candidly, I do not expect much to happen in this committee in 1988, and I for one am very much concerned about having these positions filled in terms of the administration of justice in this country in terms of getting that process moved along.

Of course, you know, Mr. Attorney General, that Pennsylvania has some particularly acute problems that I have discussed with you personally and that I have discussed with Deputy Attorney General Burns and Assistant Attorney General Markman, and I am awaiting—as is Senator Heinz—a response on those issues.

If the Pennsylvania situation is symptomatic of what is happening in the country, I believe that we need more attention from you personally on the problem.

Attorney General MEESE. Well, Senator, a good deal of personal attention has been given to it. The Pennsylvania situation is a little unique. But I applaud and appreciate your suggestion that we should move quickly on these.

First of all, I believe there are 13 judgeships that have not even been set for hearing that are before the committee, and prompt action on that we would certainly appreciate. Furthermore, I would not share your pessimism about no action by this committee in 1988. I cannot believe that a committee of Congress would not fulfill its obligation to act promptly on presidential appointments of something as important as judges.

Senator SPECTER. Well, I am sure this committee will complete its responsibilities, but I also know what a presidential election year is. Other judiciary committees have fulfilled their responsibilities, and in presidential election years, the traditional has been simply not to move those along. I think that we are all under a very heavy obligation now, and perhaps a heavier obligation on the Republican side of the aisle, candidly, to get these appointments made and to pursue them. And I certainly am concerned about the country as a whole. I took a look at those statistics and have drafted a letter which I am sending to you on the subject. The statistics I have show that there are more than 50 vacant Federal seats where no nominations have been submitted, and my view is if we are going to get them through the confirmation process, we are going to have to get it done very promptly.

Attorney General MEESE. I would certainly want to cooperate on that.

Senator SPECTER. Okay. Thank you very much.

The CHAIRMAN. General, one last question that can be yes or no. The amendment to the Defense Authorization Act of 1986 required the President to submit to the Congress within 180 days of its enactment a report that would designate lead agencies for overseas and border interdiction and domestic law enforcement lead agencies. That report was required by law yesterday. When can we expect that?

Attorney General MEESE. Senator, that report will be here within 10 days.

The CHAIRMAN. Thank you very much.

[The statement of Attorney General Meese follows:]

TESTIMONY

OF

EDWIN MEESE III
ATTORNEY GENERAL

AND

CHAIRMAN
NATIONAL DRUG POLICY BOARD

BEFORE

U.S. SENATE
COMMITTEE ON THE JUDICIARY

ON

MAY 14, 1987

REGARDING

COORDINATION OF NATIONAL DRUG POLICY AND STRATEGY

MR. CHAIRMEN, I AM PLEASED TO APPEAR BEFORE THE SENATE JUDICIARY COMMITTEE TODAY AS CHAIRMAN OF THE NATIONAL DRUG POLICY BOARD TO TESTIFY ON THE COORDINATION OF FEDERAL DRUG CONTROL EFFORTS, THE PERFORMANCE OF THE NATIONAL DRUG POLICY BOARD, AND OUR VIEWS ON YOUR SO CALLED "DRUG CZAR" BILL, S. 789. FIRST, I WILL GIVE YOU A REPORT ON THE BACKGROUND OF THE NATIONAL DRUG POLICY BOARD AND RECENT BOARD CHANGES.

I. POLICY BOARD REORGANIZATION

THE NATIONAL DRUG POLICY BOARD WAS CREATED BY A PRESIDENTIAL EXECUTIVE ORDER ON MARCH 26, 1987. IT OVERSEES ALL FEDERAL DRUG CONTROL EFFORTS. THIS NEW POLICY BOARD INCLUDES THE ACTIVITIES OF THE NATIONAL DRUG ENFORCEMENT POLICY BOARD AND EXPANDS ITS JURISDICTION TO INCLUDE EFFORTS TO REDUCE THE DEMAND FOR DRUGS IN THE UNITED STATES AS WELL AS THOSE TO REDUCE THEIR SUPPLY. PRIOR TO MARCH 26, 1987, POLICY DEVELOPMENT AND COORDINATION ON THE DEMAND SIDE OF OUR ANTI-DRUG EFFORT WAS LODGED IN THE DOMESTIC POLICY COUNCIL, ALSO CHAIRED BY ME AS ATTORNEY GENERAL AND ASSISTED BY THE WHITE HOUSE DRUG ABUSE POLICY OFFICE.

BY BRINGING BOTH THE SUPPLY AND DEMAND SIDE OF THE PROBLEM TO THE SAME POLICY FORUM, WE HOPE TO IMPROVE UNDERSTANDING OF HOW THESE TWO AREAS ARE INTER-DEPENDENT AND HOW OUR POLICY AND STRATEGY TO COMBAT BOTH SIDES OF THIS PROBLEM CAN BE BETTER COORDINATED.

THE NEW BOARD SERVES AS THE CABINET-LEVEL FORUM FOR ALL SIGNIFICANT DRUG POLICY DECISIONS, INTERAGENCY COORDINATION AND INFORMATION EXCHANGE WITHIN THE DRUG LAW ENFORCEMENT AND DRUG PREVENTION AND HEALTH COMMUNITIES. THE DRUG POLICY BOARD WILL ALSO SERVE AS A WAY TO BRING IMPORTANT DECISIONS TO THE PRESIDENT WHERE NECESSARY.

THE BOARD, WHICH MEETS MONTHLY IN THE WHITE HOUSE, IS CHAIRED BY MYSELF AND VICE-CHAIRED BY DR. OTIS BOWEN, SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. OTHER MEMBERS OF THE NEW BOARD INCLUDE: THE SECRETARIES OF STATE, DEFENSE, TREASURY, TRANSPORTATION, EDUCATION, ENERGY, LABOR, HOUSING AND URBAN DEVELOPMENT, INTERIOR AND AGRICULTURE, THE DIRECTORS OF CENTRAL INTELLIGENCE AND THE OFFICE OF MANAGEMENT AND BUDGET, AND REPRESENTATIVES FROM BOTH THE PRESIDENT'S AND VICE PRESIDENT'S OFFICES.

WITHIN THE NEW POLICY BOARD STRUCTURE, THERE ARE TWO COORDINATING GROUPS, EACH COMPRISED OF DEPARTMENT ASSISTANT SECRETARIES, HEADS OF AGENCIES, AND OTHER SENIOR OFFICIALS FROM ORGANIZATIONS REPRESENTED ON THE BOARD. STEPHEN S. TROTT, ASSOCIATE ATTORNEY GENERAL, CHAIRS THE DRUG ENFORCEMENT COORDINATING GROUP. IN ADDITION, A DRUG PREVENTION AND HEALTH COORDINATING GROUP HAS BEEN ESTABLISHED, CHAIRED BY DR. DONALD I. MACDONALD, DIRECTOR OF BOTH THE ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION AND THE WHITE HOUSE DRUG ABUSE POLICY OFFICE.

THE DRUG ENFORCEMENT COORDINATING GROUP MEETS MONTHLY AND AT PRESENT, THE FOLLOWING SUBCOMMITTEES ARE DEALING WITH CURRENT ENFORCEMENT ISSUES:

- SUBCOMMITTEE ON INTELLIGENCE CHAIRED BY JACK LAWN, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION.

- SUBCOMMITTEE ON LONG-RANGE SURVEILLANCE, CHAIRED BY ASSISTANT SECRETARY OF DEFENSE, CHAPMAN COX, DOD.

- SUBCOMMITTEE ON THE SOUTHWEST BORDER OR OPERATION ALLIANCE, CHAIRED BY ASSISTANT SECRETARY OF THE TREASURY, FRANK KEATING.

- SUBCOMMITTEE ON THE BAHAMAS, CHAIRED BY ASSISTANT SECRETARY OF STATE, ANN WROBLESKI.

- WORKING GROUP ON C^{3}I CENTERS (COMMAND, CONTROL, COMMUNICATION AND INTELLIGENCE) CHAIRED BY ASSISTANT COMMISSIONER, WILLIAM ROSENBLATT, CUSTOMS.

- INTERAGENCY WORKING GROUP ON DRUG ENFORCEMENT COMMUNICATIONS, CHAIRED BY LIEUTENANT GENERAL STEPHEN OLMSTEAD OF THE DEPARTMENT OF DEFENSE.

RECENTLY, KEY ENFORCEMENT COORDINATING GROUP MEMBERS, SUPPORTED BY POLICY BOARD STAFF AND AGENCY STAFF, HAVE BEEN WORKING ON A PROJECT TO FORMALIZE LEAD AGENCY ROLES AND RESPONSIBILITIES WITHIN THE VARIOUS COMPONENTS OF OUR DRUG CONTROL STRATEGY. THIS EXERCISE IS PART OF CARRYING OUT THE MANDATE OF EXECUTIVE ORDER 12590 OF MARCH 26, 1987. AN AGREEMENT WAS REACHED JUST THIS WEEK ON A VERY COMPLEX, KEY COMPONENT OF OUR ENFORCEMENT STRATEGY, INTERDICTION. THE COAST GUARD AND CUSTOMS HAVE AGREED ON THEIR RESPECTIVE AGENCY ROLES IN INTERDICTION. THE DETAILS ON HOW AGENCY ROLES HAVE BEEN DESIGNATED WILL BE INCLUDED IN OUR COMPREHENSIVE INTERDICTION PLAN WHICH WE WILL SOON BE SUBMITTING TO BOTH THE HOUSE AND THE SENATE AS REQUIRED BY THE DEFENSE AUTHORIZATION ACT OF 1986.

WE ARE ALSO WORKING OUT THE DETAILS FOR DELINEATION OF ENFORCEMENT AGENCY ROLES AND RESPONSIBILITIES WITHIN THE OTHER

ENFORCEMENT STRATEGY COMPONENTS OF INTELLIGENCE, INVESTIGATION, PROSECUTION AND INTERNATIONAL PROGRAMS.

THE DRUG PREVENTION AND HEALTH COORDINATING GROUP WAS RECENTLY FORMED BY THE MARCH 26, 1987 EXECUTIVE ORDER ESTABLISHING THE NDPB. THE INITIAL MEETING WAS HELD ON MARCH 27. THE MEMBERSHIP IS COMPOSED OF REPRESENTATIVES FROM THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES, EDUCATION, HOUSING AND URBAN DEVELOPMENT, LABOR, INTERIOR, DEFENSE, JUSTICE, STATE, TRANSPORTATION, ENERGY AND TREASURY, ACTION, OPM AND OMB.

THE FOCUS OF THE COORDINATING GROUP IS ON THE HEALTH-RELATED AREAS OF PREVENTION, EDUCATION, REHABILITATION, TREATMENT AND RESEARCH. THE RESPONSIBILITIES OF THIS COORDINATING GROUP WILL BE DEALT WITH BY FOUR SUBCOMMITTEES WHICH ADDRESS DISTINCT SEGMENTS OF THE TARGET POPULATION BASED ON AGE AND THE DEGREE OF DRUG USE:

- SUBCOMMITTEE ON TREATMENT AND REHABILITATION, CHAIRED BY CHARLES SCHUSTER, DIRECTOR, NATIONAL INSTITUTE ON DRUG ABUSE, HHS. THIS GROUP WILL ADDRESS THE MOST DIFFICULT SEGMENT OF THE DRUG USER POPULATION...THE LONG-TERM ADDICTS. PRINCIPAL ISSUES INCLUDE THE GENERAL AREAS OF DRUG TREATMENT AND REHABILITATION, THE RELATIONSHIP BETWEEN IV DRUG USE AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS), DRUG ABUSE AND HOMELESSNESS, AND UNDERLYING RISK FACTORS LEADING TO DRUG ABUSE SUCH AS PSYCHIATRIC, MEDICAL, EDUCATIONAL, AND SOCIAL DYSFUNCTIONS.

- SUBCOMMITTEE ON HIGH RISK YOUTH, CHAIRED BY VERNE SPIERS, ACTING ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, DOJ. THIS GROUP WILL FOCUS ON ISSUES RELATED TO YOUNG PEOPLE WITH A HIGH RISK OF BECOMING CHRONIC DRUG USERS. THIS POPULATION INCLUDES CHILDREN FROM "DYSFUNCTIONAL" FAMILIES, AND CHILDREN WITH

A VARIETY OF SOCIAL, PSYCHIATRIC, AND EDUCATIONAL PROBLEMS.

- SUBCOMMITTEE ON WORKPLACE POPULATION, CHAIRED BY JAMES COLVARD, DEPUTY DIRECTOR, OPM. THIS SUBCOMMITTEE WILL ADDRESS DRUG USE IN BASICALLY HEALTHY PEOPLE WHO ARE OLDER THAN SCHOOL AGE. A MAJOR FOCUS WILL BE ON THE 20 TO 40 YEAR OLD POPULATION THAT GREW UP IN A TIME WHEN ILLICIT DRUG USE WAS TREATED BY MANY AS A HARMLESS PHASE OF ADOLESCENCE. THE WORK PLACE IS LOOKED UPON AS AN LOCATION TO REACH INDIVIDUALS ABOUT THE UNACCEPTABILITY OF DRUG USE AND AS A FORUM TO PROVIDE INFORMATION AND MATERIALS WHICH THEY CAN GIVE TO THEIR FAMILIES. ADDITIONALLY, THIS GROUP PROVIDES OVERSIGHT FOR IMPLEMENTING THE DRUG TESTING INITIATIVE AND CARRYING OUT THE PRESIDENT'S EXECUTIVE ORDER FOR A DRUG-FREE WORKPLACE.

- SUBCOMMITTEE ON PREVENTION EDUCATION, CHAIRED BY JOHN WALTERS, SPECIAL ASSISTANT TO THE SECRETARY, DEPARTMENT OF EDUCATION. THE FOCUS OF THIS GROUP IS ON THE NON-USING YOUTH AND THE EARLY USERS. THE GROUP WILL EMPHASIZE THE "JUST SAY NO" MESSAGE AND SUPPORTS YOUTH DECISIONS NOT TO USE DRUGS.

IN SUPPORT OF THE POLICY BOARD AND THE COORDINATING GROUPS IS A POLICY BOARD STAFF, CURRENTLY CONSISTING OF AN ACTING STAFF DIRECTOR, SENIOR PEOPLE DETAILED FULL TIME FROM THE DOD, COAST GUARD, DEA, DOJ, FBI, STATE, DHHS, OPM AND TREASURY AS WELL AS SEVERAL FULL TIME SUPPORT PERSONNEL. I ALSO HAVE A FULL TIME ASSISTANT DEVOTED SOLELY TO POLICY BOARD MATTERS.

AS A RESULT OF THE EXECUTIVE ORDER SIGNED MARCH 26, THE CURRENT FULL TIME COMPLEMENT OF 12 PERSONNEL WILL BE AUGMENTED BY ADDITIONAL APPOINTMENTS FROM THE DEMAND SIDE. THE STAFF AND ADDITIONAL LIAISON REPRESENTATIVES FROM OTHER PARTICIPATING AGENCIES MEET ON A WEEKLY BASIS.

THE STAFF PERFORMS RESEARCH FOR THE BOARD AND SERVES AS A CLEARING HOUSE AND CENTRAL REPOSITORY FOR INFORMATION. THEY ENSURE THAT THE POLICY BOARD HAS THE INFORMATION IT NEEDS TO MAKE ITS DECISIONS, PERFORM ANY ANALYSIS THAT THE COORDINATING GROUP NEEDS TO MAKE RECOMMENDATIONS TO THE POLICY BOARD; AND FACILITATE COORDINATION BY MAINTAINING EFFECTIVE COMMUNICATION AMONG AGENCY AND AGENCY PROGRAMS.

II. RECENT DRUG POLICY ACHIEVEMENTS

MUCH OF THE BOARD'S WORK, AS WELL AS THAT OF ITS COORDINATING GROUPS AND STAFF, OCCURS "BEHIND THE SCENES" BY FACILITATING, ENCOURAGING, AND PROVIDING ADVICE IN SUPPORT OF INDIVIDUAL AGENCY AND INTERAGENCY OPERATIONS. HOWEVER, THE BOARD HAS ALSO BEEN INTIMATELY INVOLVED IN SIGNIFICANT POLICY DECISIONS. IN THE PAST YEAR, THE BOARD OVERSAW A NUMBER OF SIGNIFICANT DRUG LAW ENFORCEMENT ACTIVITIES SOME OF WHICH I WOULD LIKE TO HIGHLIGHT FOR YOU:

- NATIONAL AND INTERNATIONAL DRUG LAW ENFORCEMENT STRATEGY: THE POLICY BOARD DEVELOPED A NATIONAL AND INTERNATIONAL DRUG LAW ENFORCEMENT STRATEGY THAT BUILDS UPON THE DRUG ENFORCEMENT ACCOMPLISHMENTS OF RECENT YEARS. THE 200 PAGE STRATEGY DETAILS NATIONAL DRUG ENFORCEMENT PLANS, PROGRAMS, AND OBJECTIVES FOR THE NEXT TWO YEARS. A COMPREHENSIVE INTERAGENCY IMPLEMENTATION PROCESS HAS BEEN DEVELOPED BY THE POLICY BOARD STAFF TO ASSURE THAT THE OBJECTIVES AND PLANS ANNOUNCED IN THE STRATEGY TAKE CONCRETE, MEASURABLE FORM. THIS DETAILED IMPLEMENTATION PLAN SHOULD BE COMPLETED FOR THE ENTIRE STRATEGY BY THE END OF THIS SUMMER, AND WILL AID THE BOARD BY PROVIDING SOME MEASURES OF EFFECTIVENESS AND IN PROVIDING REPORTS TO THE CONGRESS.

- FEDERAL DRUG ENFORCEMENT PROGRESS REPORT FOR 1986: THE POLICY BOARD HAS RECENTLY COMPILED AND SUBMITTED TO CONGRESS THIS WEEK, THIS ENFORCEMENT PROGRESS REPORT FOR 1986. THIS REPORT PROVIDES STRIKING EVIDENCE THAT WE ARE NOW INTERDICTING MORE DRUGS, FORFEITING MORE DRUG TRAFFICKING ASSETS, AND ARRESTING, PROSECUTING AND CONVICTING MORE DRUG TRAFFICKERS THAN EVER BEFORE.

THIS REPORT UPDATES THE ACCOMPLISHMENTS AND ACTIVITIES REPORTED IN THE NATIONAL DRUG ENFORCEMENT POLICY BOARD'S FEDERAL DRUG ENFORCEMENT PROGRESS REPORT, 1984-1985. THE REPORT DESCRIBES FEDERAL AGENCY ACCOMPLISHMENTS IN REDUCING DRUG PRODUCTION AND TRAFFICKING THROUGH INVESTIGATION AND PROSECUTION, INTERDICTION, INTERNATIONAL DRUG CONTROL, DOMESTIC CANNABIS ERADICATION, REGULATION OF THE LEGITIMATE DRUG INDUSTRY, AND INTELLIGENCE. ADDITIONAL CHAPTERS REVIEW THE DRUG PROBLEM IN 1986, OUTLINE THE ANTI-DRUG ABUSE ACT OF 1986, AND CONSIDER THE ROLE OF THE FEDERAL DRUG LAW ENFORCEMENT COMMUNITY IN REDUCING THE DEMAND FOR ILLICIT DRUGS.

SOME OF THE HIGHLIGHTS OF SIGNIFICANT PROGRESS IN DRUG ENFORCEMENT ACTIVITIES IN 1986 ARE AS FOLLOWS:

o INVESTIGATION AND PROSECUTION

- DRUG ENFORCEMENT ADMINISTRATION (DEA) ARRESTS AND CONVICTIONS WERE HIGHER IN FY 1986 THAN IN ANY OTHER YEAR IN ITS HISTORY. FEDERAL BUREAU OF INVESTIGATION DRUG CONVICTIONS ALSO REACHED RECORD LEVELS. THE TOTAL NUMBER OF DEA ARRESTS OF CLASS 1 AND II VIOLATORS (THE MOST SIGNIFICANT) INCREASED 49 PERCENT FROM 1985 TO 1986 (FROM 4,057 TO 6,002 ARRESTS). THE NUMBER OF ARRESTS IN CLASS I AND II CASES INCREASED 36 PERCENT DURING THE SAME PERIOD (FROM 9,411 TO 12,819 ARRESTS).

- CONVICTIONS OBTAINED THROUGH INVESTIGATIONS INVOLVING DEA INCREASED 15 PERCENT FROM 1985 TO 1986 (FROM 10,549 TO 12,178 CONVICTIONS). FBI CONVICTIONS OBTAINED INCREASED BY NEARLY 22 PERCENT (FROM 2,293 TO 2,791 CONVICTIONS).

- THE TOTAL VALUE OF DRUG-RELATED ASSETS SEIZED BY DEA INCEASED 78 PERCENT FROM 1985 ($171.9 MILLION) TO 1986

($305.4 MILLION). CUSTOMS DRUG-RELATED ASSET SEIZURES ALSO INCREASED IN VALUE FROM 1985 TO 1986 BY NEARLY 27 PERCENT ($95.8 MILLION TO $121.5 MILLION).

- CLANDESTINE LABORATORY SEIZURES INCREASED 21 PERCENT FROM 1985 TO 1986. THIS INCREASE INCLUDES A 45 PERCENT INCREASE IN METHAMPHETAMINE LAB SEIZURES. A TOTAL OF 509 LABS WERE SEIZED IN 1986.
- FBI AND DEA DRUG REMOVALS (SEIZURES AND PURCHASES) CONTINUED TO INCREASE DRAMATICALLY IN 1986. COCAINE REMOVALS INCREASED 54 PERCENT, MARIJUANA REMOVALS INCREASED 11 PERCENT, AND DANGEROUS DRUG REMOVALS INCREASED 64 PERCENT FROM 1985 TO 1986. IN 1986, FBI AND DEA COCAINE REMOVALS TOTALED 27,918 KG., MARIJUANA REMOVALS TOTALED 826,000 KG., AND DANGEROUS DRUG REMOVALS AMOUNTED TO 50,055,000 DOSAGE UNITS.

- DEA STATE AND LOCAL TASK FORCE PROGRAM ARRESTS AND CONVICTIONS INCREASED SIGNIFICANTLY FROM 1985 TO 1986. THE NUMBER OF INDIVIDUALS ARRESTED THROUGH PROGRAM EFFORTS INCREASED BY 1,238 (39 PERCENT). THE NUMBER OF CONVICTIONS INCREASED BY 383 (19 PERCENT).

- THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PROGRAM CONTINUES ITS MULTI-AGENCY DRUG INVESTIGATIVE AND PROSECUTORIAL SUCCESSES. IN THE FIRST NINE MONTHS OF 1986, 936 INDICTMENTS AND INFORMATIONS WERE RETURNED CHARGING OVER 1,500 INDIVIDUALS. CASH ASSET SEIZURES TOTALED OVER $71 MILLION FOR THE PERIOD.

o COCAINE SEIZURES BY CUSTOMS, COAST GUARD, AND INS CONTINUED TO INCREASE SIGNIFICANTLY IN 1986. CUSTOMS COCAINE SEIZURES INCREASED BY 2,015 POUNDS (FOUR PERCENT) FROM FISCAL YEAR 1985 TO 1986. COAST GUARD COCAINE SEIZURES INCREASED BY 1,605 POUNDS (27 PERCENT). INS COCAINE SEIZURES MORE THAN DOUBLED, INCREASING 1,385 POUNDS (101 PERCENT). DURING THE FIRST

QUARTER OF FY 1987, THE CUSTOMS SERVICE COCAINE SEIZURES INCREASED BY ALMOST 100% OVER THE FIRST QUARTET OF 1986.

o INTERNATIONAL PROGRAMS - MULTI-LATERAL INTERDICTION COORDINATION: BUILDING ON THE FOUNDATION ESTABLISHED DURING OPERATION HAT TRICK II IN 1985, SIGNIFICANT PROGRESS WAS MADE IN STRENGTHENING REGIONALLY-COORDINATED INTERDICTION OPERATIONS THROUGHOUT THE CARIBBEAN BASIN. THESE INTERNATIONAL OPERATIONS, WHICH INVOLVED MORE COUNTRIES THAN EVER, INCLUDED COORDINATED MARINE PATROLS AND LAND EFFORTS. SUCH MULTILATERAL COORDINATION PROVIDES A MAJOR INCREASE IN EFFECTIVENESS TO UNILATERAL U.S. INTERDICTION EFFORTS IN THE REGION.

o INTERNATIONAL PROGRAMS - OPERATION BLAST FURNACE: THE POLICY BOARD ESTABLISHED THE POLICY GROUNDWORK FOR, AND APPROVED OF OUR ASSISTANCE TO THE BOLIVIAN OPERATION BLAST FURNACE PRIOR TO ITS COMMENCEMENT. THIS OPERATION VIRTUALLY STOPPED THE TRAFFICKING IN COCA LEAVES IN BOLIVIA DURING THE SUMMER AND FALL OF 1986. THE DESTRUCTION OF OVER 20 COCAINE LABORATORIES ACHIEVED A DRAMATIC DECREASE IN THE PRODUCTION OF AND PRICE FOR COCA LEAVES, AND REDUCED CIVIL AIR TRAFFIC IN BOLIVIA BY 90 PERCENT. BUT MOST IMPORTANTLY, IT SET A PRECEDENT WHEREBY U.S. CIVILIAN LAW ENFORCEMENT AUTHORITIES SUPPORTED BY MILITARY ASSETS WERE INVITED BY A FOREIGN GOVERNMENT TO ASSIST THEIR DRUG ENFORCEMENT EFFORTS.

o INTERNATIONAL PROGRAMS - ERADICATION: IN OUR CONTINUING EMPHASIS IN TRYING TO STOP DRUGS AT THEIR SOURCE, WE HAVE EXPANDED OUR SUPPORT OF SOURCE COUNTRY ERADICATION. IN 1981, 2 FOREIGN COUNTRIES WERE ERADICATING DRUG CROPS WITH OUR ENCOURAGEMENT. IN 1986, THE NUMBER JUMPED TO 20. COLOMBIA HAS MADE REMARKABLE PROGRESS IN DRUG ERADICATION. DEA REPORTS THAT COLOMBIA HAS ERADICATED ALMOST ALL OF ITS DOMESTIC MARIJUANA CROP THUS FAR IN 1987.

o INTERNATIONAL PROGRAMS - ENFORCEMENT: WHILE THE EXTRADITION OF CARLOS LEHDER FROM COLOMBIA TO STAND TRIAL IN THE UNITED

STATES WAS A COURAGEOUS ACT BY THE COLOMBIAN AUTHORITIES, IT ALSO DEMONSTRATES THE WISDOM OF OUR EFFORTS TO SECURE IMPROVED EXTRADITION TREATIES. PROMPTING EXTRADITION OF DRUG TRAFFICKERS IS A HIGH PRIORITY OF OUR INTERNATIONAL DRUG LAW ENFORCEMENT DIPLOMATIC EFFORTS. MR. LEHDER'S EXTRADITION AND THE EXTRADITION OF MANY OTHERS TO STAND TRIAL FOR DRUG TRAFFICKERS OFFENSES SHOWS THAT NATIONS CAN EFFECTIVELY COOPERATE WITHIN ESTABLISHED LEGAL SYSTEMS AGAINST DRUG TRAFFICKING.

o SOUTHEAST BORDER AIR INTERDICTION: A COMPREHENSIVE POLICY BOARD STAFF STUDY EXAMINED AIR AND RELATED MARINE INTERDICTION CAPABILITIES ALONG THE SOUTHEAST BORDER, AND PRESENTED A VARIETY OF OPTIONS AND RECOMMENDATIONS FOR GREATLY ENHANCING THE EFFECTIVENESS OF THOSE CAPABILITIES. E-2C AIRCRAFT, AEROSTAT RADAR, COMMUNICATIONS AND INTELLIGENCE FACILITIES, AND OTHER ADDITIONAL RESOURCES ARE BEING DEPLOYED TO ENHANCE OUR AIR INTERDICTION SYSTEM. THE DEPARTMENT OF DEFENSE AND THE FAA ARE PRESENTLY STUDYING RADAR AND OTHER HARDWARE NEEDS IN THE INTERDICTION AREA.

o FEDERAL PRISON SITUATION: THE POLICY BOARD IS REVIEWING THE FEDERAL PRISONER AND IMMIGRATION SITUATION AND IS EXAMINING OPTIONS FOR PRE-TRIAL DETENTION SPACE, PRISON AND IMMIGRATION SPACE OVER THE NEXT 5 YEARS. OVER ONE-THIRD OF ALL CURRENT FEDERAL PRISONERS WERE CONVICTED OF DRUG OFFENSES. ENHANCED PENALTIES MANDATED BY THE ANTI-DRUG ABUSE ACT OF 1986 AND THE SENTENCING COMMISSION GUIDELINES WILL LIKELY INCREASE THAT NUMBER, FURTHER STRAINING PRISON CAPACITY. TO ALLEVIATE THIS PROBLEM, THE PRESIDENT HAS PROPOSED SIGNIFICANT NEW FUNDING IN HIS 1988 BUDGET. IN ADDITION, THE POLICY BOARD'S PRISON SPACE SUBCOMMITTEE HAS BEEN STUDYING PROJECTED PRISON AND JAIL SHORTFALLS FOR THE NEXT FIVE YEARS AND WILL DEVELOP A MIX OF SOLUTIONS FOR IMPLEMENTATION IN THE SHORT-TERM.

o FEDERAL DRUG RESOURCE ALLOCATION: ADDRESSING ITS BUDGET RESPONSIBILITIES, THE POLICY BOARD MOUNTED AN IMPORTANT EFFORT TO BRING GREATER CONSISTENCY TO REPORTING OF DRUG LAW ENFORCEMENT

SPENDING. AT THE BOARD'S REQUEST, OMB DEVISED A STANDARD METHODOLOGY FOR DETERMINING WHAT PORTION OF AN AGENCY'S SPENDING HAS BEEN ALLOCATED FOR DRUG CONTROL PURPOSES, AND FURTHER, TO WHICH STRATEGY COMPONENT THIS SPENDING MAY BE ATTRIBUTED. THIS ACTIVITY WILL IMPROVE THE UNDERSTANDING OF HOW FEDERAL DOLLARS ARE SPENT AND HELP THE BOARD DETERMINE THE MOST EFFECTIVE AND EFFICIENT USE OF FEDERAL RESOURCES.

o OPERATION ALLIANCE: THE POLICY BOARD ANALYZED THE SEVERE AND GROWING DRUG PROBLEMS ALONG THE SOUTHWEST BORDER AND ESTABLISHED A SUBCOMMITTEE OF THE BOARD'S COORDINATING GROUP TO OVERSEE PLANS FOR A CAREFUL RESPONSE. IN TURN, UNDER THE AUSPICES OF THE POLICY BOARD, OPERATION ALLIANCE WAS ESTABLISHED. BEGUN IN 1986 AND COORDINATED WITH NNBIS, OPERATION ALLIANCE IS DESIGNED TO CHOKE OFF THE RAPIDLY INCREASING FLOW OF DRUGS ACROSS THE U.S.-MEXICAN BORDER. THIS UNPRECEDENTED INTERAGENCY EFFORT ALONG THE SOUTHWEST BORDER INVOLVES THOUSANDS OF FEDERAL, STATE AND LOCAL LAW ENFORCEMENT OFFICIALS AND SOPHISTICATED NEW EQUIPMENT TO FIGHT DRUG TRAFFICKING ALONG THE ENTIRE 2,000 MILE BORDER AND ADJACENT WATER.

o IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT: EFFECTIVE IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT IS A MAJOR OBJECTIVE OF THE POLICY BOARD AS OUTLINED IN THE NATIONAL AND INTERNATIONAL DRUG LAW ENFORCEMENT STRATEGY WHICH THE POLICY BOARD RELEASED IN FEBRUARY OF THIS YEAR. THE ACT WILL IMPROVE DRUG LAW ENFORCEMENT EFFICIENCY IN THE AREAS OF INTELLIGENCE, INTERNATIONAL DRUG CONTROL, INTERDICTION, INVESTIGATION AND PROSECUTION, AND DIVERSION CONTROL.

I STAND READY TO GIVE YOU A MORE DETAILED STATUS REPORT ON WHERE WE STAND IN IMPLEMENTING THE KEY PROVISIONS OF THIS BILL.

o DEMAND SIDE INITIATIVES OF THE DOMESTIC POLICY COUNCIL: AS I STATED EARLIER, THE DEMAND SIDE WAS FORMALLY INCORPORATED INTO THE NATIONAL DRUG POLICY BOARD WITH THE SIGNING OF THE EXECUTIVE ORDER 12590. PREVIOUS TO THAT DATE THE DEMAND ISSUES

WERE DEALT WITH IN THE DOMESTIC POLICY COUNCIL WORKING GROUP ON DRUG ABUSE POLICY. THIS GROUP DEVELOPED THE INITIATIVES AND PROGRAMS TO ASSIST IN IMPLEMENTING FOUR OF THE SIX NEW GOALS ANNOUNCED BY PRESIDENT REAGAN ON AUGUST 4, 1986.

1. DRUG-FREE WORKPLACES FOR ALL AMERICANS;

2. DRUG-FREE SCHOOLS, FROM ELEMENTARY TO UNIVERSITY LEVEL;

3. EXPANDED DRUG ABUSE TREATMENT TO TACKLE THE HEALTH PROBLEMS CAUSED BY DRUGS;

6. INCREASED PUBLIC AWARENESS AND PREVENTION -- THE GOAL ON WHICH SUCCESS ULTIMATELY DEPENDS -- TO HELP EVERY CITIZEN GET INVOLVED IN FIGHTING THE DRUG ABUSE MENACE AND TO MAKE THE USE OF ILLEGAL DRUGS INTOLERABLE THROUGHOUT OUR SOCIETY.

THE REMAIN 2 GOALS ARE ADDRESSED BY THE DRUG ENFORCEMENT COORDINATING GROUP.

THIS WORKING GROUP ON DRUG ABUSE POLICY SUBMITTED A FINAL REPORT ON FEBRUARY 28, 1987 ENTITLED *WORKING PAPERS: IMPLEMENTATION OF THE PRESIDENT'S FALL 1986 INITIATIVES AGAINST THE USE OF ILLEGAL DRUGS*. THIS REPORT DETAILED THE PROGRESS MADE TO DATE IN IMPLEMENTING THESE 6 PRESIDENTIAL INITIATIVES, AND WILL BE USED BY THE POLICY BOARD AND ITS COORDINATING GROUPS IN FURTHER POLICY DEVELOPMENT AND COORDINATION.

SOME OF THE HIGHLIGHTS OF SIGNIFICANT PROGRESS IN DRUG ABUSE PREVENTION AND HEALTH IN 1986-1987 ARE AS FOLLOWS:

o *DRUG-FREE FEDERAL WORKPLACES*: SUBSTANTIAL PROGRESS HAS BEEN MADE TOWARDS DRUG-FREE FEDERAL WORKPLACES SINCE PRESIDENT REAGAN SIGNED EXECUTIVE ORDER 12564 ON SEPTEMBER 15, 1986 AND ISSUED HIS PERSONAL COMMUNICATION TO EACH AND EVERY EXECUTIVE BRANCH EMPLOYEE ON OCTOBER 4, 1986. THE OFFICE OF PERSONNEL

MANAGEMENT ISSUED ITS GOVERNMENT-WIDE GUIDELINES ON IMPLEMENTATION OF THE EXECUTIVE ORDER ON NOVEMBER 28, 1986, AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ISSUED SCIENTIFIC AND TECHNICAL GUIDELINES FOR DRUG TESTING PROGRAMS ON FEBRUARY 19, 1987. DEPARTMENTS AND AGENCIES ARE IMPLEMENTING PROGRAMS TO INCREASE DRUG ABUSE AWARENESS AND PREVENTION, IDENTIFY AND REHABILITATE ILLEGAL DRUG USERS, AND IMPROVE THE QUALITY AND ACCESSIBILITY OF TREATMENT SERVICES FOR EMPLOYEES.

o DRUG-FREE WORKPLACES: FEDERAL AGENCIES ARE ALSO DEVELOPING PROGRAMS TO ASSIST THE INCREASING NUMBERS OF PRIVATE SECTOR COMPANIES WHICH ARE ADOPTING DRUG-FREE POLICIES. HHS HAS ESTABLISHED A TOLL-FREE "DRUG-FREE WORKPLACE HELPLINE" -- 800-843-4971 -- TO PROVIDE INFORMATION TO EMPLOYERS ABOUT STOPPING DRUG ABUSE IN THE WORKPLACE, IS PREPARING A BOOKLET ON "DEVELOPING AN OCCUPATIONAL DRUG ABUSE PROGRAM," AND HAS ESTABLISHED A NEW OFFICE FOR WORKPLACE INITIATIVES. THE DEPARTMENT OF LABOR IS STUDYING MODEL PROGRAMS AND WORKING WITH HHS ON INITIATIVES TO PROVIDE TECHNICAL ASSISTANCE AND TRAINING TO BUSINESSES AND UNIONS.

o DRUG-FREE SCHOOLS: THE SECRETARY OF EDUCATION HAS CONTINUED HIS ROLE AS NATIONAL ADVOCATE FOR DRUG-FREE SCHOOLS, INITIATING A CAMPAIGN "SCHOOLS WITHOUT DRUGS: THE CHALLENGE" TO MOBILIZE LOCAL COMMUNITY EFFORTS. ON SEPTEMBER 15, 1986, THE DEPARTMENT OF EDUCATION ISSUED THE BOOKLET SCHOOLS WITHOUT DRUGS, AND SINCE THAT TIME HAS DISTRIBUTED OVER 1,500,000 COPIES ACROSS THE COUNTRY. EDUCATION HAS EXPEDITED THE RELEASE OF STATE GRANTS AUTHORIZED BY THE DRUG FREE SCHOOLS AND COMMUNITIES ACT OF 1986 AND HAS HOSTED A JANUARY 1987 CONFERENCE OF STATE REPRESENTATIVES ON THE NEW PROGRAM. ACTION, THE DEPARTMENT OF JUSTICE, THE DEPARTMENT OF DEFENSE, AND OTHER DEPARTMENTS AND AGENCIES ARE WORKING WITH THE DEPARTMENT OF EDUCATION IN THE MAJOR NATIONAL INITIATIVE TO ELIMINATE DRUG ABUSE IN OUR NATION'S SCHOOLS.

o EXPANDED DRUG ABUSE TREATMENT: THE PRESIDENT REQUESTED AND CONGRESS AUTHORIZED ADDITIONAL FUNDING FOR EMERGENCY

EXPANSION OF SERVICES IN TREATMENT CENTERS WHICH HAVE A HIGH DEMAND FOR SERVICES BY ENDEMIC DRUG USERS WHO COULD NOT OTHERWISE AFFORD TREATMENT. $165 MILLION WAS APPROPRIATED FOR THESE SERVICES. HHS IS MAKING EVERY EFFORT TO ASSURE THE TIMELY DISTRIBUTION OF THESE FUNDS THROUGH STATE BLOCK GRANTS.

- EXPANDED DRUG ABUSE RESEARCH: THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS DEVELOPING ENHANCED EPIDEMIOLOGY AND SURVEILLANCE SYSTEMS WHICH WILL ENSURE ACCURATE TRACKING OF THE INCIDENCE AND PREVALENCE OF ALCOHOL AND DRUG USE AND IMPROVED IDENTIFICATION OF RISK FACTORS AND RISK GROUPS. HHS IS ALSO EXPANDING RESEARCH WHICH WILL STRENGTHEN RESOURCES FOR PREVENTING, IDENTIFYING AND TREATING ILLEGAL DRUG USE.

- INCREASED PUBLIC AWARENESS AND PREVENTION: ON SEPTEMBER 14, 1986, THE PRESIDENT AND FIRST LADY PRESENTED A NATIONALLY-TELEVISED CALL TO ARMS, CHALLENGING AND ENCOURAGING CITIZENS AND PRIVATE ORGANIZATIONS TO PARTICIPATE IN THE NATIONAL CRUSADE TO ELIMINATE THE USE OF ILLEGAL DRUGS. THE PUBLIC HAS RESPONDED ENTHUSIASTICALLY TO THE CALL TO ACTION. ACROSS THE NATION, INDIVIDUALS ARE WORKING TO MAKE THEIR SCHOOLS, INDUSTRIES, TRANSPORTATION, HOMES AND FAMILIES FREE OF ILLEGAL DRUGS AND THE ABUSE OF ALCOHOL. FEDERAL GOVERNMENT RESOURCES HAVE BEEN INCREASED TO ASSIST THE BROAD NATIONAL EFFORT: HHS HAS ESTABLISHED A NEW OFFICE FOR SUBSTANCE ABUSE PREVENTION, AND THE DEVELOPMENT OF PUBLIC-PRIVATE PARTNERSHIPS ARE BEING ENCOURAGED THROUGH AN EXPANDED PROGRAM AT ACTION. NUMEROUS OTHER DEPARTMENTS AND AGENCIES HAVE INITIATIVES UNDERWAY TO INCREASE DRUG ABUSE AWARENESS AND PREVENT THE USE OF DRUGS. FOR EXAMPLE, THE DEPARTMENT OF THE HEALTH AND HUMAN SERVICES PRODUCED A SERIES OF PUBLIC SERVICE ANNOUNCEMENTS ENTITLED COCAINE-THE BIG LIE.

- DRUG-FREE PUBLIC TRANSPORTATION: THE SECRETARY OF TRANSPORTATION IS TAKING THE LEAD IN A NATIONAL EFFORT TO ENSURE SAFE TRANSPORTATION FOR PEOPLE AND GOODS. ANTI-DRUG ABUSE ACTIVITIES ARE BEING PURSUED IN ALL AREAS OF TRANSPORTATION, INCLUDING AVIATION, WATER, RAIL, MOTOR CARRIER, PIPELINE, BUS AND URBAN RAIL TRANSPORTATION.

o DRUG-FREE PUBLIC HOUSING: THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT HAS TAKEN THE LEAD IN A COOPERATIVE NATIONAL EFFORT TO ACHIEVE DRUG-FREE PUBLIC HOUSING. HUD HAS FORMED A PARTNERSHIP WITH THE DEPARTMENTS OF JUSTICE, HEALTH AND HUMAN SERVICES, AND LABOR, AND ACTION TO WORK WITH LOCAL PUBLIC HOUSING AUTHORITIES, LAW ENFORCEMENT OFFICIALS, AND OTHER LOCAL AUTHORITIES IN EDUCATING THE RESIDENCE AND PREVENTING THE SALE AND DISTRIBUTION OF DRUGS. ON MAY 1-2, 1987, THE NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS AND THE FEDERAL PARTNERSHIP HELD A NATIONAL CONFERENCE ON DRUG-FREE PUBLIC HOUSING TO ASSIST THE ATTENDEES IN FORMING ACTION PLANS FOR THEIR OWN HOUSING DEVELOPMENTS.

o THE WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA: ON MAY 5, 1987, PRESIDENT REAGAN SIGNED AN EXECUTIVE ORDER ESTABLISHING THE WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA, AS AUTHORIZED BY THE ANTI-DRUG ABUSE ACT OF 1986. OVER THE NEXT TWO YEARS THE WHITE HOUSE CONFERENCE WILL BE A CONTINUING OPPORTUNITY FOR CITIZENS TO SHARE THEIR IDEAS AND EXPERIENCES IN ORDER TO VIGOROUSLY AND DIRECTLY ATTACK DRUG ABUSE AT ALL LEVELS. IT WILL REVIEW THE NATION'S PROGRESS, ASSESS WHAT WORKS AND WHY, AND SEEK TO CONTINUE THE MOMENTUM OF THE NATIONAL CRUSADE TO STOP THE USE OF ILLEGAL DRUGS AND THE ABUSE OF ALCOHOL. THE CONFERENCE WILL REPORT TO THE PRESIDENT AND THE CONGRESS ON THE POLICIES, PROGRAMS AND NATIONAL STRATEGY NECESSARY TO BUILD UPON WHAT HAS ALREADY BEEN ACCOMPLISHED AND WORK TOWARD A DRUG-FREE AMERICA.

III. COMMENTS ON S. 789, THE DRUG CZAR BILL

THIS DRUG CZAR BILL IS A DRASTIC PROPOSAL WHICH WILL UNDO THE STEADY PROGRESS TOWARD IMPROVING DRUG POLICY AND STRATEGY DEVELOPMENT AND COORDINATION WHICH WE HAVE MADE WITH THE NATIONAL DRUG POLICY BOARD (NDPB), AND ITS PREDECESSOR, THE NATIONAL DRUG

ENFORCEMENT POLICY BOARD (NDEPB). THE NDEPB WAS CREATED A LITTLE OVER 2 YEARS AGO. THE LAW TOOK EFFECT IN JANUARY 1985 AND ITS FIRST MEETING TOOK PLACE IN APRIL 1985. THE NDPB WHICH EXPANDED JURISDICTION TO INCLUDE THE DEMAND SIDE WAS CREATED ON MARCH 26, 1987.

THE EFFORT TO DELINEATE AGENCY ROLES AND RESPONSIBILITIES HAS JUST STARTED TO BEAR FRUIT. THE DESIGNATION OF A LEAD AGENCY IN THE INTERDICTION COMPONENT OF OUR STRATEGY, TOGETHER WITH DETAILED ELABORATION ON OTHER AGENCY ROLES AND RESPONSIBILITIES, IS BEING FINALIZED AND WILL BE SUBMITTED TO CONGRESS. ALTHOUGH CONGRESSIONAL IMPATIENCE WITH THE EXECUTIVE BRANCH FOR NOT MAKING QUICKER PROGRESS IN OUR ANTI-DRUG EFFORTS IS UNDERSTANDABLE, WE SHOULD TAKE CARE NOT TO ACT RASHLY OUT OF THIS IMPATIENCE. WE NEED MORE TIME THAN WE HAVE BEEN GIVEN TO DATE.

WE MUST NOT LOSE SIGHT OF THE BOTTOM LINE THAT WE ARE NOW INTERDICTING MORE DRUGS, SEIZING MORE DRUGS, SECURING THE FORFEITURE OF MORE ASSETS, ARRESTING, PROSECUTING, AND CONVICTING MORE DRUG TRAFFICKERS, AND MORE ACTIVELY DISCOURAGING THE USE OF ILLEGAL DRUGS THAN EVER BEFORE.

IF YOU THINK THIS ADMINISTRATION HAS BEEN CUTTING BACK ON ITS WAR ON DRUGS, OR DEMONSTRATING INEFFECTIVENESS THEN YOU HAVEN'T BEEN LISTENING TO THE DRUG CULTURE SPOKESMEN OR THEIR SYMPATHIZERS, OR TO THE DRUG TRAFFICKERS AND THEIR DEFENSE ATTORNEYS. ASK THEM TO TELL YOU HONESTLY WHETHER THIS ADMINISTRATION HAS MADE DRUG TRAFFICKING AND DRUG USE MORE DIFFICULT.

WE HAVE HEARD MUCH RECENTLY OF THE OLD CHARGE OF LACK OF COORDINATION IN OUR ANTI-DRUG EFFORTS, AND RESULTING TURF WARS BETWEEN THE AGENCIES. I THINK A WORD OF CAUTION TO YOU ON THAT SCORE IS IN ORDER.

DISAGREEMENTS BETWEEN AGENCIES WORKING IN THE SAME ARENA IS NOT UNCOMMON AND SHOULD NOT BE EQUATED WITH A BREAKDOWN IN

COORDINATION. AGGRIEVED AGENCIES THEMSELVES MAY COMPLAIN OF A LACK OF COORDINATION AS A DEFENSE MECHANISM AGAINST A COMPETING AGENCY. WE MUST NOT OVERREACT TO THESE CHARGES, BUT INSTEAD LOOK BEHIND THEM TO SEE IF THEY HAVE ANY REAL SUBSTANCE. THE FACT OF THE MATTER IS THAT WE HAVE DECIDED NOT TO USE THE SINGLE AGENCY APPROACH TO THIS COMPLEX PROBLEM WHICH NATURALLY CUTS ACROSS SO MANY DIFFERENT JURISDICTIONS, AND AS WE ATTEMPT TO UTILIZE THE MANY AGENCIES WITH ALREADY EXISTING RESOURCES IN PLACE, YOU CAN BE SURE THAT THE COORDINATION JOB WILL NOT BE AN EASY ONE, BUT IT CAN BE DONE, AND IS BEING IMPROVED STEADILY.

IT IS A COMMON MISTAKE TO SEE ANY DISAGREEMENT AMONG LAW ENFORCEMENT OFFICERS AS A BREAKDOWN IN COORDINATION. THEY ARE MADE UP OF ACTIVE AND AGGRESSIVE PEOPLE. NO LARGE LAW ENFORCEMENT AGENCY EXISTS THAT HAS NOT EXPERIENCED DISAGREEMENTS AND JURISDICTIONAL DISPUTES WITHIN ITS OWN RANKS: THE HOMICIDE SQUAD OFTEN LOCKS HORNS WITH THE ROBBERY SQUAD AND SO ON. AND OBVIOUSLY, DISPUTES AMONG DIFFERENT LAW ENFORCEMENT AGENCIES ARE EVEN MORE COMMON. OFTEN THIS REFLECTS A HEALTHY ESPIRIT DE CORPS, A SENSE OF COMPETITION AND SOME CHECKS AND BALANCES THAT STRENGTHEN LAW ENFORCEMENT. IN EVALUATING LAW ENFORCEMENT, THEREFORE, ONE MUST BE CAREFUL TO DISTINGUISH BETWEEN SPIRITED COMPETITION ON THE ONE HAND, AND LACK OF COORDINATION ON THE OTHER. WE HAVE MADE GREAT STRIDES IN COORDINATING FEDERAL DRUG ENFORCEMENT EFFORTS IN THE PAST SIX YEARS. TO CAST ALL OF THAT WORK ASIDE IN FAVOR OF A NEW APPROACH AT THIS LATE DATE WOULD BE THE HEIGHT OF FOLLY.

THE ADMINISTRATION STRONGLY OPPOSES THIS "DRUG CZAR" BILL. IT WOULD PROVE COUNTERPRODUCTIVE IN THE WAR ON DRUGS AND IS UNNECESSARY BECAUSE OF THE STEPS RECENTLY TAKEN BY THE PRESIDENT TO PROVIDE FOR COMPREHENSIVE AND EFFECTIVE COORDINATION OF DRUG POLICY WITHIN THE EXECUTIVE BRANCH, I URGE YOU TO CONSIDER THE FOLLOWING ADDITIONAL REASONS TO REJECT IT.

- WE ALREADY HAVE EFFECTIVE, INFORMED LEADERSHIP OF FEDERAL DRUG CONTROL EFFORTS. THE MEASURE WE SHOULD USE IS NOT A

"WISH LIST" OF IDEAL POLICY BOARD ACCOMPLISHMENTS, BUT THE STATE OF DRUG POLICY COORDINATION THAT EXISTED IN 1980 WHEN WE CAME INTO OFFICE. THE NATIONAL DRUG ENFORCEMENT POLICY BOARD, CREATED BY THE COMPREHENSIVE CRIME CONTROL ACT OF 1984, HAS BEEN REASONABLY SUCCESSFUL IN COORDINATING THE REVIEW, EVALUATION, AND DEVELOPMENT OF UNITED STATES DRUG LAW ENFORCEMENT POLICY, STRATEGY, AND RESOURCES. WE ARE MAKING STEADY PROGRESS IN ESTABLISHING A MORE STRUCTURED AND DETAILED FRAMEWORK TO FACILITATE CENTRALIZED POLICY AND STRATEGY DIRECTION AND ENHANCED COORDINATION.

- THE PRESIDENT HAS ALREADY CONSOLIDATED BOTH DRUG DEMAND AND SUPPLY REDUCTION OVERSIGHT INTO ONE CABINET-LEVEL BODY. IN SHORT, THE NEW POLICY BOARD WILL ENHANCE GOVERNMENT EFFORTS TO CUT THE DEMAND FOR DRUGS WHILE MAINTAINING AND STRENGTHENING OUR LONG-RANGE DRIVE TO REDUCE THE SUPPLY OF DRUGS WITHOUT CREATING ADDITIONAL BUREAUCRACY.

- OUR CABINET STRUCTURE OF GOVERNMENT HAS SERVED THIS NATION WELL THROUGHOUT ITS HISTORY. THE DRUG CZAR WOULD UNDERMINE THIS SUCCESSFUL SYSTEM OF GOVERNMENT BY CREATING A "SUPER CABINET OFFICER", A SO-CALLED "DRUG CZAR" INTERPOSED BETWEEN CABINET MEMBERS AND THE PRESIDENT. THIS INTRUSION INTO THE DELIBERATIONS OF THE PRESIDENT'S SENIOR ADVISERS IS AS ILL-ADVISED AS IT IS UNPRECEDENTED. THE PRESIDENT SHOULD REMAIN FREE TO CONSULT WITH AND COORDINATE ACTIONS BY CABINET OFFICIALS IN ANY MANNER HE BELIEVES APPROPRIATE. FURTHERMORE, THE BILL PROVIDES THE DRUG CZAR NO CLEAR ROLE AND THEREFORE HIS PRESENCE WOULD CONFUSE, DELAY AND MAKE MORE COMPLICATED THE EXECUTIVE'S EFFORTS TO COORDINATE DRUG POLICY.

- THE BILL DOES NOT PURPORT TO DISPLACE THE AUTHORITY OF CABINET OFFICIALS TO DETERMINE HOW BEST TO EXERCISE THEIR STATUTORY FUNCTIONS. THE BILL COULD NOT DELEGATE SUCH GENERAL AUTHORITIES TO THE "DRUG CZAR" WITHOUT SUBSTANTIALLY DAMAGING THE EFFECTIVE ADMINISTRATION OF OUR LAWS.

- THE BILL WOULD PURPORT TO AUTHORIZE THE DRUG CZAR TO "DIRECT" CABINET OFFICIALS TO CARRY OUT HIS POLICIES, BUT QUALIFIES THAT POWER BY REQUIRING THAT IT BE "CONSISTENT WITH THE GENERAL AUTHORITY OF EACH AGENCY OR DEPARTMENT." SUCH A PROVISION GUARANTEES DELAY AND BUREAUCRATIC IN-FIGHTING, TO THE DETRIMENT OF THE BATTLE AGAINST DRUGS. THE EXECUTIVE BRANCH SIMPLY CANNOT BE STRUCTURED IN THIS MANNER AND OPERATE EFFECTIVELY. THIS PRINCIPLE WILL BE VALID, REGARDLESS OF WHO IS PRESIDENT, REGARDLESS OF HIS PARTY AFFILIATION, AND DESPITE THE GOOD FAITH AND BEST EFFORTS OF THE PERSONS WHO WILL OCCUPY THESE POSITIONS.

- THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME CLEARLY ENDORSED THE CONCEPT OF INDEPENDENT CABINET-LEVEL AGENCIES WITH SHARED RESPONSIBILITY FOR DRUG LAW ENFORCEMENT SUCCESS. I AGREE WHOLEHEARTEDLY WITH THE COMMISSION'S RECOMMENDATIONS AGAINST A DRUG CZAR:

  > IT IS NEITHER POSSIBLE NOR DESIRABLE UNDER OUR SYSTEM OF LAW TO INVEST A BOARD CHAIRMAN OR ANY OTHER "CZAR" WITH DICTATORIAL POWER TO COMMAND OTHER CABINET MEMBERS TO CONDUCT THE AFFAIRS OF THEIR RESPECTIVE DEPARTMENTS IN A PARTICULAR FASHION.

- WE DO NOT NEED THE ADDITIONAL LAYER OF BUREAUCRACY WITHIN THE EXECUTIVE BRANCH THAT THE BILL PROPOSES. THE PROPOSED BILL CALLS FOR THE CREATION OF A NEW SUPER-CABINET LEVEL OFFICE. SUCH AN OFFICE WOULD BE EXPENSIVE TO MAINTAIN, AND WOULD REQUIRE SIGNIFICANT

STAFF AND OTHER RESOURCES THAT WOULD INEVITABLY BE DRAWN FROM CURRENT DRUG CONTROL AND OTHER SOCIAL PROGRAMS. IN CONTRAST, CURRENT DRUG CONTROL EFFORTS HAVE BEEN, AND CONTINUE TO BE, ENHANCED THROUGH EXISTING ADMINISTRATIVE STRUCTURES.

- THE DRUG CZAR CONCEPT WOULD HAMPER EXISTING DRUG CONTROL ACTIVITIES. THE BURDENSOME LAYER OF NEW BUREAUCRACY IT CREATES WOULD DETRACT FROM DRUG CONTROL PROGRAMS AND OPERATIONS, RESTRICTING THE DECISION-MAKING AUTHORITY OF CABINET OFFICIALS, AND REDUCING INTER-DEPARTMENTAL AND INTERAGENCY POLICY DEVELOPMENT AND DISCUSSION. THE DRUG CZAR WOULD FURTHER CARVE UP THE CRIMINAL JUSTICE SYSTEM AND WOULD THREATEN THE AUTONOMY OF TREASURY, JUSTICE, TRANSPORTATION, AND STATE, AS WELL AS HHS AND THE DEMAND SIDE AGENCIES. THE SERIOUSNESS OF THIS THREAT IS UNDERSCORED BY THE OVERWHELMING OPPOSITION TO THIS PROPOSAL BY THE FEDERAL LAW ENFORCEMENT COMMUNITY AS WELL AS BY SUCH GROUPS AS THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND THE NATIONAL ASSOCIATION OF ATTORNEY'S GENERAL.

- THE DRUG CZAR WOULD BE BAD PRECEDENT. THE CREATION OF A DRUG CZAR WOULD SERVE AS PRECEDENT FOR CREATION OF A "TERRORISM CZAR" AND OTHER "CZARS" TO DEAL WITH ANY ISSUE THAT CUTS ACROSS DEPARTMENTAL LINES. THIS IS CLEARLY THE MOST CUMBERSOME WAY OF DEALING WITH PROBLEMS HAVING INTER-DEPARTMENTAL JURISDICTION.

IN CONCLUSION LET ME STRESS THAT THE POLICY BOARD DOES NOT HAVE DAY-TO-DAY OPERATIONAL RESPONSIBILITY FOR DRUG LAW ENFORCEMENT AND DEMAND REDUCTION ACTIVITIES. WE DO HAVE POLICY RESPONSIBILITY TO FACILITATE THE COORDINATION OF OPERATIONS AND POLICY UNDER THE TERMS OF THE NATIONAL NARCOTICS ACT OF 1984. WE DO NOT MICRO-MANAGE THE OPERATIONS OF ENFORCEMENT AGENCIES. THOSE DOING THE JOB IN THE FIELD ARE NORMALLY GIVEN THE FLEXIBILITY, WITHIN LEGAL CONSTRAINTS, TO GET THE JOB DONE IN

CONCERT WITH OUR OVERALL NATIONAL STRATEGY. WHEN AN INTERAGENCY COORDINATION OR COOPERATION PROBLEM SURFACES, WE DEAL WITH IT AT THE POLICY BOARD. WE WELCOME YOUR CONCERN AND INTEREST IN THIS PROCESS.

THIS CONCLUDES MY PREPARED STATEMENT. I WOULD BE HAPPY TO RESPOND TO ANY SPECIFIC QUESTIONS YOU MAY HAVE REGARDING THE WORK OF THE POLICY BOARD.

The CHAIRMAN. Our next panel of witnesses are three very distinguished people: Rear Admiral Norman C. Venzke, U.S. Coast Guard, Retired, President of the National Defense Transportation Association of Alexandria, Virginia; Myles J. Ambrose, partner of O'Connor and Hannan, Washington, D.C., a former Commissioner of U.S. Customs Service and Special Assistant Attorney General, and Director of the Justice Department Office of Drug Abuse and Law Enforcement; and Mr. Karst Besteman, Executive Director, Alcohol and Drug Problems Association, Washington, D.C., former Regional Health Administration, Department of Health and Human Services, and Deputy Director of the National Institute on Drug Abuse. I welcome the three of you, and I suspect maybe we should proceed in the order that you were introduced.

I ask, to the extent that you can, you summarize your statement. It would be helpful if we keep them within 10 minutes so we can get an opportunity to have more questions.

Admiral.

STATEMENT OF PANEL CONSISTING OF NORMAL C. VENZKE, ADMIRAL, U.S. COAST GUARD, RETIRED, AND PRESIDENT, NATIONAL DEFENSE TRANSPORTATION ASSOCIATION, ALEXANDRIA, VA; MYLES J. AMBROSE, PARTNER, O'CONNOR AND HANNAN, WASHINGTON, DC; AND KARST J. BESTEMAN, EXECUTIVE DIRECTOR, ALCOHOL AND DRUG PROBLEMS ASSOCIATION, WASHINGTON, DC

Admiral VENZKE. Good morning, Mr. Chairman. I have provided a statement for the record, and I will summarize.

The CHAIRMAN. Your entire statement will be placed in the record.

Admiral VENZKE. My relationship to the interception of contraband is twofold. First, I served as Chief, Office of Operations, Coast Guard Headquarters, for a total of 5 years, and I was in charge of Enforcement of Laws and Treaties under which interdiction fell. Second, during the Vietnam War, I was the Commander of the Gulf of Thailand Surveillance Group, a part of Market Time, and the purpose of that operation was to interdict munitions, quite analogous to narcotics.

I am pleased to have this opportunity to set forth my viewpoints on one aspect of the drug control problem: maritime drug interdiction. Although those views are based solely upon operational experience, I believe they may be transferred over to the entire problem that is now before you.

I had the opportunity to view our maritime efforts over 5 years during 1977 to 1985. Based upon my observations, we have not waged a war against drugs at sea anywhere near as effectively as we could have. No doubt we have hurt the smuggler and increased his cost of doing business. On the other hand, we have not rendered smuggling unprofitable or effectively severed smuggling routes for an extended period of time. One measure, the seizure of marijuana during the 7-year period, does not suggest any significant trends.

We have not been as successful in the maritime area as we might have been for a number of reasons, the central one of which is that no one is in charge. No one is in command. We are fighting a way by committee.

I will explain a couple reasons why I say this. First, for unity of action in any type of operation, you have to have someone in charge. This has shown up throughout—we have a lack of a maritime interdiction strategy. Unity of action among agencies cannot be achieved without both an approved drug interdiction strategy and a clear definition of agency responsibilities and jurisdiction. Neither exists.

As a result, the cart has been placed before the horse in the development of a force mix in order to fight this problem. For example, agencies have proceeded independently and without coordination in developing their own force mix for employment in areas of joint jurisdiction—also, Congress provided equipment on its own initiative, particularly when a vacuum in interdiction was perceived. Thus, if a proper force mix exists today, it is by accident and not by design. I base this on what I saw while I was the Chief, Office of Operations.

The lack of definition of agency jurisdiction, as previously noted, this is also vital to interdiction efforts. However, serious jurisdictional questions between the Customs Service and the Coast Guard remain unresolved. Traditionally, the Customs Service and the Coast Guard have exercised joint jurisdiction within customs waters, a 12-mile limit, with the Coast Guard exercising sole jurisdiction on the high seas. That appears to be in question. Customs was reportedly using medium-range aircraft to detect surface craft on the high seas and has developed marine modules for interdiction in customs water and perhaps beyond. Also, air interdiction is fragmented and responsibilities are in question. This matter needs resolution in order that all efforts may be directed effectively to the issue of combatting the drug problem as opposed to turf problems.

My point on this is basically this: If someone were in charge, they would have knocked some heads together a long time ago and resolved it. That is a simplistic comment from an operator-type.

The CHAIRMAN. No, it is not simplistic. I just spent a day down in Florida watching the operations of the Coast Guard—an admirable group—and watching the operations, to a less extent, of Customs. And as you exactly said, someone should knock heads together. I mean, it is kind of simple. I do not quite understand it, but apparently the Attorney General understands it. So that is what we have to worry about.

Admiral VENZKE. So one other factor that bears on this is inadequate numbers and types of ship and aircraft. We all know we never have enough to go around, and I think perhaps that will never be the case that we will have enough. But greater support probably from DoD is required during surge periods. I think that is where we would have to go to get those resources.

I have some recommendations which are basic and perhaps may be viewed strictly from the operational viewpoint. Unfortunately, with these recommendations extensive capital expense has been incurred over the years—ships, aircraft, operation centers, et cetera. Thus, implementing the recommendations might not be easy because you cannot turn back the clock. But we have had over the years, as I pointed out, Customs and the Coast Guard buying ships, aircraft, whatever, building additional operations centers. Sometimes I think the existing ones might have been inadequate to upgrade, but what I am saying is there have been a lot of purchasing without coordination, duplication, and we have to increase infrastructure training and maintenance of infrastructure and that sort of thing.

These things have happened over the years, and so what I am going to say here is going to complicate it. I think we ought to fight the drug war in the commonly accepted manner of fighting wars: employ the unified approach, not unlike DoD, and designate a commander-in-chief, I will say here a CINC, in charge of the drug war. I am focusing in now on the maritime specifically, but they can be transferred over.

Under that CINC—who would be a full-time individual—he would have his regional commanders. As an example, I would assign the U.S. Coast Guard—and I know it sounds coming from a Coast Guard officer that it is a little narrow, but this is exactly the way I feel about it. The Coast Guard is a sea-going organization, a maritime enforcement agency. They should have jurisdiction from the base line of the coast outward. It is not illogical from my viewpoint.

The Customs should have it shoreline inward and any internal waters. Then with these unified commanders, if there is any overplay back and forth between the relative agencies—and there would be—at least you would not have the interference. It would be coordinated and would proceed on like a unified organization.

The second thing I would do after setting up this CINC, I would define areas of jurisdiction for the various law enforcement agencies and get that done as quickly as possible.

Third, after we had that done, I would develop an interdiction strategy within the framework of the national strategy.

Then, take a look at the strategy, know the jurisdiction, and develop a force mix of units. We should have a shopping list of units or equipment right down the line, stuff we cannot afford to buy right now but we know we need to combat the problem. Develop this force mix; that would be conducted in conjunction with the various agencies. Then we would know what we would need to duly carry out the strategy.

Then once we had that, we would have all the tools in place, and we would be able to carry out the job with our regional commanders and it would be coordinated and under the control of the CINC. It would be a very tough problem even at that stage. However, I think that is a very logical way to go.

Now, admittedly, my comments today are that we are looking at a narrow thing, maritime, but I think some of it can spill over into some other areas. There may be other areas that have similar problems. I hope that my comments will be of some value. This is one issue that I am very concerned and have remained since I retired. We are not doing it properly, as far as I am concerned.

[The statement of Admiral Venzke follows:]

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Mr. Chairman, I am Rear Admiral Norman C. Venzke, U.S. Coast Guard (Ret.). In my current occupation, I serve as President, National Defense Transportation Association. I have provided a biography which summarizes my duties during 35 years of commissioned service.

My relationship to the interception of contraband is two fold. First, I served as Chief, Office of Operations, U.S. Coast Guard Headquarters for five years, 1977-1979 and 1982-1985. In that capacity, I was Program Director, Enforcement of Laws and Treaties Program which encompasses drug interdiction. My involvement with drug interdiction involved frequent coordination and meetings with federal law enforcement agencies as well as the intelligence community and the Department of Defense at the Washington level. Second, during the period 1967-1968 of the Vietnam conflict, I served as Commander, Gulf of Thailand Surveillance Group, a unit of Operation Market Time. Operation Market Time, a U.S. Navy Operation, was a maritime effort with the primary mission of interdicting munitions, etc., being shipped to the Viet Cong via the sea. It's area of operation ranged between the DMZ and Cambodia, involving units of the U.S. Navy, U.S. Coast Guard and the Royal Thai Navy.

I am pleased to have this opportunity to set forth my "viewpoints" on one aspect of the drug control problem, maritime drug interdiction. Although those views are based solely upon operational experience, I believe that they may be translated over to the entire problem that is now before you. And, I might add that these same viewpoints, noted herein, were the subject of reports to the Commandant while I was on active duty as well as brief articles in the U. S. Naval Institute Proceeding since retirement. I have provided one of those articles for your information.

I had the opportunity to view our maritime efforts over 5 years of the 7 year period, 1977-1985. Based upon my observations, we have not waged the war against drugs at sea anywhere near as effectively as we could have. No doubt we have hurt the smuggler and increased his cost of doing business. On the other hand, we have not rendered smuggling unprofitable or effectively severed smuggling routes for an extended period of time. One measure, the seizure of marijuana during the seven year period does not suggest any significant trends.

We have not been as successful in the maritime area as we might have been for a number of reasons, the central one of which is that no one is in charge.

- No one in charge. The following provide cause for that observation.

  Customs and Coast Guard have provided equipment for use in the same areas without coordination or review other than the usual budgetary oversight.

  New operations centers, etc., have been build when numerous ones plus command and control systems are already in place which may have been adequate if modified.

  An important matter dealing with security of operational interdiction information had to be refereed by the GSA Security Oversight Officer instead of by someone with line authority in the drug interdiction organization.

- Imprecise command and control. A unified command (See Note 1) is the commonly accepted DOD organization fighting a war encompassing significant components of more than one service. A similar approach should be equally effective in fighting the drug war which involves more than one agency. Unity of action including the avoidance of mutual interference is vital, but is virtually unachievable without someone being in charge. The National Narcotics Border Interdiction System vastly improved coordination but, yet, it is a relatively loose confederation of agencies. It was not designed to exercise command and control.

- Lack of maritime interdiction strategy. Unity of action among agencies cannot be achieved without both an approved drug interdiction strategy and a clear definition of agency responsibilities and jurisdiction. Neither exists. As a result the "cart has been placed before the horse" in development of a force mix. For example, agencies have proceeded independently and without coordination in developing their own force mix for employment in areas of joint jurisdiction. Also, Congress provided equipment on its own initiative particularly when a vaccuum in interdiction planning was perceived. Thus, if a proper force mix exists today, it is by accident, not by design.

  Note 1 Unified Command
  "A command for a broad and continuing mission under a single commander and composed of significant assigned components of 2 or more services and which is established by the President through the SECDEF with the advice and assistance of the Joint Chiefs of Staff or when so authorized by the JCS by a commander of an existing unified command established by the President."

- Lack of definition of agency jurisdiction. As noted previously, a definition of agency jurisdiction is vital to interdiction efforts. However, serious jurisdictional questions between the Customs Service and the Coast Guard remain unresolved. Traditionally the Customs Service and the Coast Guard have exercised joint jurisdiction within customs waters (12 miles) with the Coast Guard exercising sole jurisdiction on the high seas. That appears to be in question. Customs was reportedly using medium range aircraft to detect surface craft on the high seas and has developed marine modules for interdiction in customs water and perhaps beyond. Also, air interdiction is fragmented and responsibilities in question. This matter needs resolution in order that all efforts may be directed effectively at the issue of combatting the drug problem as opposed to turf problems.

- Inadequate numbers/types of ships and aircraft. Sufficient ships and aircraft are not available organically to law enforcement agencies (and probably never will be) to meet the requirements which long term operations demand. Greater support from DOD is required during surge periods.

My recommendations for resolving the interdiction issues are basic. Unfortunately, extensive capital expense has been incurred over the years (ships, aircraft, operations centers, etc.) without basis of a national interdiction strategy. Thus, implementing the recommendations would not be easy because it is impossible to turn back the clock.

- Fight the drug war in the commonly accepted manner: employ the unified approach. Designate a Commander in Chief (a CINC in the military sense - not a coordinator or a policy board) for directing the national interdiction effort. Under his command, assign regional operational commanders for responsibility over maritime and land borders. The latter would include the sea coasts as well as international borders.

- Define areas of jurisdiction for the various law enforcement agencies.

- Develop an interdiction strategy within the framework of the national strategy. This task could appropriately be assigned to the CINC.

- Develop a force mix. The CINC, in conjunction with the law enforcement agencies acting as component commanders in the unified sense, would develop the force mix which supports the strategy. Obviously, the CINC must have some measure of budgeting input.

I stress that my comments are based upon the maritime interdiction during the period 1977 - 1985. Perhaps similar problems exist in the area of supply reduction, demand reduction, etc., which should be addressed in a similar manner.

- Regional commanders exercise operational control over forces assigned to their respective area.

NORMAN C. VENZKE

REAR ADMIRAL, U.S. COAST GUARD (RET)

Rear Admiral Norman C. Venzke (ret) is the President and Chief Operating Officer of the National Defense Transportation Association (NDTA). He assumed this position on 1 November, 1985.

Before joining NDTA, Admiral Venzke was Chief, Office of Operations, U.S. Coast Guard Headquarters, Washington, D.C. In that capacity, Admiral Venzke was responsible for a number of programs including the Enforcement of Laws and Treaties, Ice Operations, Intelligence, Search and Rescue (includes all Coast Guard aviation) and Military Preparedness. His law enforcement duties were involved primarily with drug interdiction.

Admiral Venzke had many varied operational assignments during his Coast Guard career. This included sea duty on seven (7) Coast Guard cutters [four (4) polar icebreakers with command of two (2)]. Those duties took him to the coasts of all continents, including numerous operations in both the Arctic and Antarctic. He served as Ship Operative Officer on the staff of Commander, U.S. Naval Support Force Antarctica with responsibilities for resupply through the ice. He served in Vietnam as Commander, Gulf of Thailand Surveillance Group, Commander, Coast Guard Division Eleven and advisor to the Vietnamese Navy. Admiral Venzke's service as Commander, Second Coast Guard District brought him into direct contact with the tow boat and barge industry on the Western Rivers.

Admiral Venzke is a graduate of the U.S. Coast Guard Academy (B.S. in Engineering), the U.S. Naval Postgraduate School (Ordnance Engineering-B.S. in E.E.), the Industrial College of the United States and the George Washington University (M.S. in Administration).

Admiral Venzke is married to the former Virginia Brassfield. They have four daughters; Judy Creighton, Susan and Karen Brassfield and Erica Venzke.

The CHAIRMAN. Admiral, your comments are very helpful, and they are very succinct. You have outlined some of the problems. I have not gone through in my statement some of the horror stories that exist out there, which you expect with any bureaucracy. But just as you outline the difficulty on the high seas, similar difficulties exist on land: the coordination between DEA, FBI, CIA. And there is no one in charge. That has been my view, notwithstanding what the Attorney General said.

I believe I have Mr. Ambrose next. In about 6 minutes, I am going to have to go and vote and come back. But why do you not start, Mr. Ambrose.

Mr. AMBROSE. I appreciate the opportunity to be here, Senator. My background in narcotics goes back to 1954 as an Assistant U.S. Attorney in the Southern District of New York. Also during the Eisenhower Administration, I served as the coordinator of all of the Treasury Enforcement agencies, which included in those days the Bureau of Narcotics, the Customs Bureau, and the Coast Guard. So I have had some experience in that. I came back in 1969 as the Commissioner of Customs and in 1972 was appointed special consultant to the President for drug abuse enforcement and I ran the drug program in the Department of Justice. I was the person given the responsibility for the creation of the Drug Enforcement Administration.

Since leaving the government in 1973, I have had relatively little to do with Federal narcotics enforcement, other than as an interested observer. But I have been involved in drug treatment programs as a director of Daytop Village in New York and as Vice Chairman of Daytop International and also as their Washington counsel.

In 1984, I was asked to be a member of the Advisory Panel of the Office of Technology Assessment of Drug Enforcement Technologies and updated by this means my knowledge of current drug enforcement activities. I regret that the Attorney General thought the report was shoddy because I thought it was pretty good.

I would like to share my views on this subject. I most respectfully and reluctantly disagree with my good friend, the distinguished Attorney General. I can understand and sympathize with the decision of any Cabinet official or agency head to resist the creation of a czar. Institutional tradition and history are strong imperatives, but in the face of what we are facing now, something just has to be done.

While I am not able to deal specifically with all the details of your bill, Senator, I do wholeheartedly support the concept of a high level official with considerable authority who reports directly to the President of the United States and who would develop, oversee, and coordinate all aspects of Federal drug policy and do so with the complete support of the President and all of the constituent Cabinet agencies.

There does not appear to be any viable alternative, in my judgment. We need an individual who would have the status, for example, of Assistant for National Security Affairs. He should be responsible for the definition of our national drug policy. He should have considerable clout in the assignment of roles and missions. He should be able to exercise similar authority in the allocation of resources for the fulfillments of these missions, and he should account to the Congress and the people on the progress and ultimately the results of our national effort.

He needs to be able to devise this strategy with the assistance of all of the interested agencies, but he must be totally free and unencumbered from any institutional bureaucratic loyalty or responsibility to any single agency by that individual. He will have to knowledgeable, politically astute, of great character and integrity, and a person who will dedicate his every waking moment to the elimination of this great national tragedy. I do not envy whoever this person is going to be, but I pray that you can find somebody who can do it.

Our narcotic efforts are carried out by people who do unbelievable work and are dedicated to this field, and the efforts that have been made in the last 6 years to increase the narcotics enforcement resources have been remarkable and are highly commendable.

But I do not believe that any one Cabinet officer, no matter how good or how well motivated, is capable of resolving the inherent law enforcement jurisdictional conflicts that exist. We created the Drug Enforcement Administration in 1973 with the hope that this would put to rest the jurisdictional fights that existed then and that all the other agencies could get on with the job of supporting their lead. Unfortunately, for a variety of reasons, DEA never got the kind of support and direction they needed. What we attempted to do has never been accomplished.

Instead of one lead agency with supporting missions assigned to others, we now have at least four agencies who view their role as primary and whose activities on any given day may or may not be coordinated. Too much is left to the good faith and judgments of individuals throughout the narcotics enforcement enterprise. We need more defined direction. We must have someone who has direct access to the President and who can act in his name in order to bring some order out of this chaos—we can no longer afford the luxury of overlapping jurisdictions, bureaucratic infighting, uncoordinated activities, and limited funds for treatment programs.

Law enforcement alone, however, cannot solve this problem. The arrests of suppliers, the eradication of crops and interdiction all have their place, and they are necessary but no amount of resources placed in these programs can solve it. The time has come when much greater emphasis must be placed on the demand side of the equation. Education is useful but has very limited application. We have got to face reality and consider the imposition of civil and penal sanctions on those who use drugs and reject treatment. We must make it unfashionable and costly for the user, just as we must import swift and sure imprisonment on the seller.

I will be glad to answer any of your questions, Senator.

[The statement of Mr. Ambrose follows:]

TESTIMONY

MYLES J. AMBROSE

My name is Myles Ambrose and I am a partner in the Washington, D.C. law firm of O'Connor & Hannan. By way of background for this testimony, my experience in narcotics enforcement began in 1954 as an Assistant U.S. Attorney for the Southern District of New York and continued through the years in various positions including; Assistant to the Secretary of the Treasury for Law Enforcement wherein I acted as coordinator of the narcotic enforcement efforts of the various Treasury agencies which included the Federal Bureau of Narcotics, the Bureau of Customs, the U.S. Coast Guard and the Internal Revenue Service. I left this position to run the Waterfront Commission of New York Harbor. I returned to Federal Service in 1969 as the Commissioner of Customs and in 1972 was appointed Special Consultant to the President for Drug Enforcement and simultaneously Special Assistant Attorney General and Director of the Office of Drug Abuse Law Enforcement in the Department of Justice. I was the person given the responsibility for the creation and organization of the Drug Enforcement Administration. I have also represented our government in international conferences dealing with narcotic control and law enforcement including Interpol, the United Nations and numerous bilateral and multilateral meetings in Latin America and Europe. A more detailed history of my background is attached to my statement.

Since I left government in 1973, I have had relatively little to do with federal narcotics enforcement other than as an interested observer. I have, however, been involved in drug treatment programs as a director and Washington counsel of Daytop Village in New York and Vice Chairman of Daytop International. In 1985 I was asked to be a member of the Advisory Panel of the Office of Technology Assessment Study of Drug Enforcement Technologies and updated through this means my knowledge of current drug enforcement activities.

I am glad to respond to your invitation to appear here today, Mr. Chairman, and share my views on the necessity for an overall director of federal drug policy. I must respectfully and reluctantly disagree with my friend, the distinguished Attorney General. I can understand and sympathize with the decision of any cabinet official or agency head to resist the creation of a so called "czar" role. Institutional tradition and history are strong imperatives but in the face of so much conflict and the enormity of the societal costs of the ever increasing drug problem drastic steps must be taken. While I am not able to deal specifically with all the details of your bill, I do wholeheartedly support the concept of a high level official with considerable authority who reports directly to the President and who would develop, oversee and coordinate all aspects of federal drug policy and do so with the complete support of the President and all the constituent cabinet agencies. There does not appear to be any viable alternative.We need an individual who would have the status of the Assistant for National Security Affairs.

He should be responsible for the definition of our national drug policy. He should have considerable clout in the assignment of roles and missions assigned to the various agencies. He should be able to exercise similar authority in the allocation of resources for the fulfillment of these missions and he should account to the Congress and the people on the progress and ultimately the results of our national effort. He needs to be able to devise this strategy with the assistance of all the interested agencies but he must be free and unencumbered from any institutional bureaucratic loyalty or responsibility to any single agency. He will have to be knowledgeable, politically astute, of great character and integrity and a person who will dedicate his every waking moment to the elimination of this great national tragedy. I do not envy his unbelieveable task but I pray that you can find someone capable of fulfilling this role.

Our narcotic enforcement efforts are carried out by people of unusual skill and dedication and their efforts must be given the kind of direction and support that will allow them to do their jobs effectively. I do not believe that the current hodgepodge of overlapping responsibilites can do this. I do not believe that any one cabinet officer, no matter how good or how well motivated, is capable of resolving the inherent law enforcement jurisdictional conflicts that exist. We created the Drug Enforcement Administration in 1973 with the hope that this would put to rest the jurisdictional fights that existed then and that all of the other agencies could get on with the job of supporting their lead. Unfortuntely, for a variety of reasons, DEA never got the kind of support and direction they needed. What we attempted to do has never been accomplished. Instead of one lead agency with supporting missions assigned to others, we now have at least four agencies who view their role as primary and whose activities on any given day may or may not be coordinated. Too much is left to the good faith and judgments of individuals throughout the narcotics enforcement enterprise. We need more defined direction. We must have someone who has direct access to the President and who can act in his name in order to bring some order out of this chaos. We can no longer afford the luxury of overlapping jurisdictions, bureaucratic infighting, uncoordinated activities and limited funds for treatment programs but most of all we cannot afford the unbelieveable cost of national narcotics addiction.

Law enforcement alone cannot solve the problem. The arrests of suppliers, the eradication of crops and interdiction all have their place and they are necessary but no amount of resources placed in these programs can in and of itself solve this problem. The time has come when much greater emphasis must be placed on the demand side of the equation. Education is useful but has limited application. We have got to face reality and consider the imposition of civil and penal sanctions on those who use drugs and reject treatment. We must make it unfashionable and costly for the user just as we must impose swift and sure imprisonment on the seller.

I will be glad to answer any questions you may have.

The CHAIRMAN. Mr. Ambrose, obviously you cannot comment directly on my bill but I am really impressed with your statement. It is succinct, to the point, and I think you put your finger on it. I am going to go vote and come back and hear from Mr. Besteman.

I do not know why everybody in government—and I have been here 15 years now—whether Democrat or Republican, it does not matter who is down in the White House, there is this notion that if you are going to change any of the bureaucratic structure that it is a personal affront; it is an attack upon an individual or an institution. I do not know how we cannot recognize exactly what has happened here. But like you, one thing I have learned after being here this long is the toughest thing in the world to move is bureaucratic jurisdiction. I do not envy the person who will fill this position. I think we are going to pass this bill.

But I want to tell you something. Whoever the next President is, I hope he or she has a lot of persuasive powers to get someone of your caliber to go and take the job, because it is going to be a tough, tough, tough job.

Mr. AMBROSE. Well, Senator, I want to make two points very clear: One, A, I am a Republican.

The CHAIRMAN. I understand. Believe me, I know that.

Mr. AMBROSE. And, B, I am——

The CHAIRMAN. A Republican could win, you know.

Mr. AMBROSE. Well, I think so. I think probably will, too. [Laughter.]

But having left the Customs Service as a fairly respected Commissioner of Customs, when I walked out the door and 6 months or 18 months later attempted to take 500 agents and jurisdiction away from them, I was pretty well savaged by some of the people in the Customs Service. So I understand the bureaucratic problems that we have in this area, and I think this is the problem. Fortunately, I do not have to worry about that any more. I practice law and I do not worry about bureaucracies—or the Congress, for that matter. I am a lawyer.

The CHAIRMAN. Mr. Besteman, why do you not proceed with your testimony.

Mr. BESTEMAN. Thank you, Mr. Chairman.

I would like to start by heartily endorsing the testimony of my fellow panel members. I have lived through being a government official in the drug abuse area, but in treatment and research and prevention, from the Eisenhower administration through the first Reagan years. I retired from the Public Health Service in 1984.

I have seen many different patterns attempted in trying to collaborate, coordinate, and effectively manage the problem of drug abuse in this country, and it was occurring at times when the epidemic was surging, particularly through the 1960s and early 1970s. And each time somebody has proposed a new organization or a different concept, the entrenched agencies have always resisted. So I personally do not take seriously the objections of the Attorney General this morning when he talked about an additional layer of bureaucracy and interference and how it would take him so much extra time.

There is evidence in two previous attempts at this coordination which were relatively effective—one in the Nixon administration and one in the Ford administration—that when we had direct involvement of the President a person designated who had immediate access to the President, and a thorough understanding throughout the bureaucracy from the Secretary of a department down to agencies, bureaus, and even when I was in HEW under Elliott Richardson, he brought in the branch chiefs in order to convey the President's commitment that drug abuse was to be coordinated through one central place in the executive office. And he left no doubt in anybody's mind that we were to respond and cooperate and then worry about where the Secretary stood on the issue later. It did not destroy the bureaucracy. It did not destroy the integrity of the programs.

In fact, I brought to the hearing the first Federal strategy from that era, 1973, and there are two exhibits in that—on Page 71 and 72—one labeled the Federal Drug Prevention Responsibilities before the office and one after the office. And it shows a great deal of clarity in who has responsibility for what, who was going to be accountable for what activity, and what the coordinating mechanisms would be.

The second time that we had that kind of forceful direction was when the then-Vice President Rockefeller, as the head of the Domestic Council, put forth a great deal of effort, and it produced a White Paper on Drug Abuse which unfortunately in the following committees were muffled by a change in administrations, and that effort was dropped.

The Carter administration used a committee mechanism called the "Principals Meeting." It was not chartered by anyone, but the one thing we knew as participants in that meeting was that weekly and biweekly the President was briefed on what we were doing. And we got questions back via the domestic adviser about what we were doing that were signed by the President. It puts a certain urgency in the bureaucracy to know that there is that kind of attention.

I think the fact that this issue of coordination and collaboration has been under consideration since 1962 with the White House Conference on Narcotics and Drug Abuse, 1963 the Presidential Advisory Commission on Narcotics and Drug Abuse. In 1970, there was a committee within government and outside of government that advised the White House, which wound up with a special action office for drug abuse prevention. The Ash Commission, Roy Ash, who was commissioned by President Nixon to look at organization, and also recommended a central administration. The fact that this issue has repeatedly come up, both in the Congress and in the Administration, shows that as long as we step that one step back from a person who has the responsibility, the breadth of perspective that allows a true integration of enforcement and treatment and research and prevention, we are going to be frustrated with the outcome of our efforts.

Twenty years ago, if you had asked the question, I would have voted no, let us not do this. Thirty years of experience in the field, and I have come to the conclusion we must do it, not because it is the first choice option, but it is an option of necessity.

I would very strongly urge the Congress to pass legislation naming one single person responsible for the administration of all drug abuse programs. I would also recommend that in naming that person that his title or her title encompass phrases that make it clear that the sole emphasis is not on drug enforcement. We who have been in the treatment area and in the prevention area simply cannot function if we do not have effective enforcement. But enforcement alone will not do the job, and there has to be balanced policies.

I was delighted with the two deputies, as defined in your proposed S. 789. I would be even more delighted if the title of the director could be a little more broadly encompassing.

With those comments, I thank you for the opportunity to appear here.

The CHAIRMAN. Let me start with you, Mr. Besteman. You have been, as you indicated, in the government for some time. Describe for me the kind of warfare that is going to go on when this drug coordinator is appointed at the Cabinet level, if it occurs.

Mr. BESTEMAN. Well, "warfare," that is too open. It is more like sabotage which is more carefully done. It amounts to people from in the various organizations talking to their friends on Capitol Hill. It amounts to them now coming to me as the head of an outside trade and professional association and asking me would I take this idea in their behalf to a key committee or staff person, or would I slant or write an editorial in a trade paper or an article. It is a campaign to look out for one's self interest.

Unfortunately, as we grow up in government, we most normally come up through a given agency or series of agencies that have a relatively unified function. I think it is only as we mature and are able to look across all the issues and have exposure—as I fortunately did in understanding what the military's drug problem was; what were the problems that the Coast Guard was dealing with; why was Customs so upset about certain things that other people were interested in—that you begin to say, wait a minute, this impinges on so many social systems, so many different institutions, that we have to have a broader perspective.

I thought the qualifications that Mr. Ambrose set forth for the person were excellent. I think the kind of reaction you are going to get from people in my position is that after 30 years of working in the field, we wish you well in finding the candidate and we decline the honor almost immediately.

The CHAIRMAN. Would you like to comment on that, Mr. Ambrose?

Mr. AMBROSE. Yes. To go directly to the initial part of your question, I think that you are going to find considerable reluctance on the part of senior level officials. Maybe if it is done at the onset of a new administration, that might make it a little easier for the system to do this. As I recall, the position of Assistant for National Security Affairs was started by President Eisenhower, and Bobby Cutler had the first job. It was an enormous task in those days to try and coordinate such strong people as John Foster Dulles and things like that.

So you are going to have a great problem on that, but I would agree with Mr. Besteman that it becomes more of not only sabotage but guerrilla warfare. For example, I recall that when there was some possibility that I might become the Administrator of

DEA—although that was never something that existed in my mind—a former agent or a senior Customs investigator was quoted in a Playboy Magazine interview on drugs that I had gotten my job because my father was a major political contributor, and, of course, that he had great links with the organized crime ring in New Jersey. Of course, it was that kind of guerrilla warfare that existed, all of which was untrue, I might add, of course.

It goes on and on and on. And, of course, the classic example of the guerrilla warfare is what happened after the creation of DEA when the people from Customs, some people from Customs went behind the scene and some members of Congress and a Senate committee and a few things like that. So, I mean, there was a lot of guerrilla warfare going on.

The CHAIRMAN. The reason I ask the question, it seems to me that I, quite frankly, am sympathetic to the President's vetoing of my bill, not on the merits, but because it is going to be a difficult thing to impose. It is going to be a major, major problem for the President.

One thing I tried to communicate to the administration is that, believe it or not, I was sympathetic to that. It is easy for me to say because I was here and they were down there and would have to do it. But it seems to me things have gotten so out of hand. I do not mean out of hand in terms of irresponsible actions on the part of the administration, this or the last, because this administration has done more in the drug fight than any administration has done, in my view, in terms of highlighting it, talking about being willing to deal with parts of it that had not been dealt with before.

With all my disagreements with this administration, and there are many, it seems to me the only way it is going to be able to be done is by getting new Cabinet officers prior to their taking their job to sign on to this change in jurisdiction at the beginning of an administration. I have thought a lot about this, as you might guess. And it seems to me that if you can get at the outset of a new administration, Republican or Democrat, an agreement as part of the commitment to appoint as a nominee women and men who understand this role of the new Cabinet level officer, that is your best shot out of the box to do it. Even then, as soon as they get in that office, as soon as they sit down, they are going to be besieged by their new constituency as to why did you give away the store, why did you do this, why did you do that, you must take this back, et cetera.

I think that is the only shot it has to get off the ground without a lot of bloodshed, in a figurative sense. But I think that the problem has become so acute, and recognized as being so acute by the public at large, that sentiment is built now in a way that it was not even in the mid-1970s and in the mid-1960s. But I do not mean to suggest to any of you men who have a vast amount of experience in government and in the administration end that I think that implementation of this legislation is going to be anywhere near as easy as the passage of this legislation.

Mr. AMBROSE. Senator, I would like to add one comment on that. I think you are absolutely right that the necessity for the top level people to understand and sign on to the President's concept is imperative. I would think, and as Mr. Besteman has indicated from

Elliott Richardson's activities when he was Secretary of HEW—I think it was HEW in those days—the career staff, the good, solid guys will be delighted to get something like this because they are sick and tired of fighting with each other. They would rather fight with the drug peddlers or somebody else. So you will get them if they know that the boss is fully in place and they know that he has the directions and instructions and that is what the President's program is.

It is the upper level people—the upper level in Washington—in this institutional bureaucratic structure which is almost impossible to penetrate. That is where the problem is.

So you might also want to suggest that he automatically require any new Cabinet officer to rotate out to the field, anybody that is currently in headquarters when he takes over.

The CHAIRMAN. I know on occasion we say things that are somewhat facetious, but I just think the record is so replete with difficulties that exist out there. I quite frankly did not feel like arguing with the Attorney General today. This is like boilerplate stuff we keep getting back to, but all you have to do, as you gentlemen know, is go out there in the field right now and watch it, watch how it is working. These are dedicated women and men who really want to make a difference but have trouble figuring out how their own interest and the interest of their agency is impacted upon by the requirement to coordinate.

For example, the Coast Guard and Customs are both flying aircraft now for drug interdiction. I must tell you that I do not pretend that I have all the answers or think I do. I am like you, Mr. Besteman. I have been here a long time, and I have arrived at this position over the last 10 years of the 15 I have been here.

I look out there, and I see, for example, what both you and Mr. Ambrose have spoken to, about the need for rehabilitation and treatment and changing attitudes in this country about drug consumption. That is really the answer. You know, this idea of a war on drugs to eradicate drugs in our time is not going to happen. It never is going to happen, but it sure can change drastically if we change the consumption side. Both you fellows have been on that side of it as well as the interdiction side. But to get people in this town to acknowledge that that is equally as much a part of the problem, it is not as glamorous. It is hard to convince my colleagues, too, of that.

But I think there is an emerging consensus by those in the field, that there are three pieces of this problem. The biggest piece is the consumption side. The other pieces have to be dealt with simultaneously, and there is a need for someone to be able to reach over all those pieces.

I do not think anyone ever thought—and maybe you fellows did—but I tell you, 15 years ago when I got here, I did not think that drug cartels would literally be making more profit in one year than all the Fortune 500 companies in the country combined. I did not think it would get to those proportions, but it is at those proportions.

I have a number of very specific questions for each of you, some of which you have already answered. I have approximately four questions for each of you, but I will not take your time now. I would like to submit them to you, if I can, and at your leisure you could respond to them. They do not require any great exposition. It is not going to take a lot of your time.

Before I adjourn this hearing, Admiral, I would like to commend you for your 35 years of distinguished service with the Coast Guard, and as Chief of Operations on two different tours, and as Director of the Coast Guard's law enforcement program, you made a lot of contributions to this Nation's law enforcement efforts. You have already indicated how you thought we can improve that as it related to the Coast Guard operation. But in your experience of interacting with other agencies when you were on active duty, can you give me an example of any of the problems of coordination that you had with dealing with other agencies?

I do not mean to attempt to blacken others, but just state for the record some of the institutional problems you had, the coordinating problems that you had in your capacity as the coordinator with other agencies.

Admiral VENZKE. Mr. Chairman, I can think of one example of a problem we had a few years back. It dealt with the security of operational information; in other words, classification, encrypting things, whatever was necessary to keep our plans and our source of intelligence out of the hands of the druggers. This particular situation got to be a sticky wicket. It was between the Coast Guard and DEA, and it got to be quite a low-level battle, if you will, and there was no one in the enforcement arena in the infrastructure that could referee it.

In other words, we could not pass this up to the guy in charge and say, hey, we have got a problem here. We had to beat this doggone problem out ourselves. Finally, it got over to the GSA security oversight office, and it finally got resolved to some degree. But that was a prime example where it would have been nice to have had somebody running the show, and we did not have that.

The CHAIRMAN. Well that, in fact, is the problem, in my view; that the resolution of a dispute—a disputed jurisdiction, a disputed allocation of dollars, a disputed budget priority—has to go up through the agency within which one of the combatants belongs. And there is no place where it gets, even with this drug enforcement board, to the point where somebody can call that shot.

In the meantime, there is a lot of effort now because there is so much focus on the lack of coordination by folks like me that there is this incredible effort to act as if there is no dispute.

So the dispute goes on between the two agencies and they do not resolve it. And neither agency, because they understand that the consequence of that dispute is to lend more credence to something like I am suggesting, they do not want anyone to know the dispute exists. So in a sense, it has gone underground which makes it even more complicated. I think that is in part what your report had pointed out.

Again, I have really trespassed on your time because of the Senate schedule here beyond what we told you we would. If you have any closing comment, I would be delighted to have it.

Mr. **Ambrose**. Thank you, Senator.

Admiral **Venzke**. Thank you, Mr. Chairman.

Mr. **Besteman**. Thank you, Mr. Chairman.

The **Chairman**. Thank you very much. I really appreciate it.

[Prepared statement of Karst J. Besteman follows:]

TESTIMONY OF

KARST J. BESTEMAN
EXECUTIVE DIRECTOR
ALCOHOL AND DRUG PROBLEMS ASSOCIATION

Dear Mr. Chairmen:

I am pleased to appear before you today to discuss the concepts set forth in S-789 which is designed to provide the framework necessary to pursue a coordinated and effective national and international narcotics control policy. This issue has been actively debated for over twenty years as this country has experienced an unprecedented epidemic of illicit drug use.

During my career in the field of drug abuse prevention I had the privilege of serving seven presidents and participating in different governance patterns designed to address the goal of an effective federal and national policy and program to control and prevent drug abuse. Briefly I will list the various patterns.

In the late fifties there was a single response of toughened federal laws making punishment for possession, sales or conspiracy to possess or sale a mandated no parole sentence. Federal prisons steadily filled and expanded until the mid-sixties when there was a reversal of these laws.

During the early sixties the President appointed a commission to study and recommend actions which could be implemented by the Federal government. This commission submitted its report in November of 1963. Its twenty plus recommendations gave guidance to federal actions until the late seventies. The actions taken by the Johnson and Nixon administrations were largely found in the 1963 documents. Additional studies in the early Nixon years were made by the Ash Commission appointed by the President to examine government organizations and the Schaeffer Commission chartered by the Congress. The Ash Commission recommended the establishment of DATERA the Drug Abuse Treatment Education, and Rehabilitation Administration. It favored concentration of enforcement in the Drug Enforcement Administration through its predecessor agency the Federal Bureau of Narcotics. The compromise organization which emerged was the Special Action Office on Drug Abuse Prevention.

The recommendations of the Schaeffer Commission were presented to the President and forwarded to the Congress but there was no discernable action taken.

The Ford Administration under the direction of Vice-President Rockefeller and the Domestic Council undertook a complete review of the issues. The White Paper on Drug Abuse raised issues of priority and coordination but no specific mechanisms were put in place before the end of that Administration. During that period the Congress defined an Office of Drug Policy as the successor to the Special Action Office.

President Carter assigned an assistant to advise him on drug abuse matters and gave his Domestic Council clear coordinating responsibilities. It was during this period that there were regular meetings of "the principals" which included, the commandant of the Coast Guard, and Assistant Attorney General, the Administrator of the Drug Enforcement Administration, the Commissioner of Customs the Assistant Secretary of State for Narcotics Matters, and the Director of the National Institute on Drug Abuse. This non-chartered group during bi-weekly meetings cooperated, examined program impact, and recommended strategy to the Administration.

The Reagan Administration placed limited policy and program responsibility in the position of Drug Abuse Policy Advisor to the President. During the early years the policy focus was to evolve a national statement of strategy thereby diminishing the role and visibility of the federal government. In recent months the Attorney General has been charged both by statute and executive order with primary responsibility for government wide policy programming and resources at the federal level.

What have we learned from this changing pattern of federal policy development. First, that the times, that the coordination and execution of federal programs were most effective the President was personally interested and committed to obtaining results. Second, the policy "czar" was most effective when closely allied with the President organizationally. The critical question was often: "Can this issue be presented to the President?" When the answer was affirmative the various departments, and their constituent programs responded. Third, during the times of the greatest effectiveness the President communicated publicly and privately his support for action and implementation of his policies. Frequently this was supported by endorsement of Cabinet and sub-Cabinet members appointed by the President.

In closing, I would like to speak to the present arrangement in which the Attorney General and Secretary of Health and Human Services have over arching responsibility for policies and its implementation in other Departments. There is evidence that this is not effective. I do not think this is a reflection on General Meese or Secretary Bowen. It is instead an additional burden on two Cabinet members already burdened with broad and heavy responsibilities. No person should be put in that position.

Drug abuse is a complex problem involving many social systems and institutions. It is both a domestic and international issue. It cannot be effectively dealt with by people who have large and primary responsibility for other government functions. To properly function as "drug czar" a person needs individual attention and expert knowledge.

Mr. Chairmen, I commend you and your committee for addressing this important issue. I would be pleased to answer any questions you may have.

The CHAIRMAN. We have one last panel; last as they say, but far from least: Peter A. Johnson, Senior Associate of the Office of Technology Assessment, and Arnold Jones, Senior Associate Director of the General Accounting Office.

Gentlemen, again, in the order I called you, would you introduce your colleagues for the record. We will begin with you, Mr. Johnson.

STATEMENT OF PANEL CONSISTING OF PETER A. JOHNSON, SENIOR ASSOCIATE, OFFICE OF TECHNOLOGY ASSESSMENT; AND ARNOLD P. JONES, SENIOR ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE

Mr. JOHNSON. Yes, Senator. Thank you.

My name is Peter Johnson. I am the Project Director for the study we did at the Office of Technology Assessment. With me is Mr. Larry Jenney, who also worked on that study which was entitled "The Border War on Drugs," and which we have made copies of available to the committee.

I will quickly summarize our statement and touch on a few points that I believe are of interest to this committee's consideration of methods of improving the allocation of Federal resources employed to control drug traffic and other drug problems.

The things I thought I would highlight are the topics that really provide a little backdrop for the consideration of solutions to the problems. The problems that we have identified through our technology study come from looking at technology and trying to understand how to improve on the system and make it more effective.

First of all, I will make a few comments about a short version of the drug trafficking threat as it is today. Our study focused on the three major legal drugs—heroin, cocaine and marijuana—which account for almost all drug smuggling into the United States. As you know, they are transported from foreign countries by a variety of methods, and we used a categorization of those methods as either through official ports or by surreptitious entry, that is, by means that avoid official ports. The technologies and the strategies differ for these two different major categories.

In addition to that, the drugs smuggled present different challenges for the interdiction agencies because of the volume smuggled, the modes of entry and the sources of each. As you know, marijuana trafficking is a high volume activity with 10 to 12 thousand metric tons brought into the United States annually. Cocaine is next with current annual smuggling estimates ranging from 100 to 120 metric tons, and heroin is smuggled in in the range of about 6 metric tons per year.

Marijuana and heroin trafficking amounts have varied only slightly in the past 5 years while cocaine imports have increased dramatically. Our estimates are two to three times over the past 5 years.

The network that supplies the drug trafficking is not a single centralized organization. It is made up of many different organizations that tend to specialize in a particular drug. The point of this is that each has preferred strategies, routes, and delivery methods, but experience has shown that smuggling organizations are highly flexible and are very resourceful in responding to pressure applied by the various interdiction agencies.

We took a look at the existing policies from several different viewpoints: we included information supplied to us by the Drug Enforcement Policy Board and the other Federal agencies. And although it appears that the national policies are stated in various ways, our conclusion was that the working goals of the drug interdiction agencies involved appear to be basically three in nature: the first being to harass and deter smuggling attempts by specific modes and at key locations, and to work toward disrupting trafficking networks, seizing drugs and making arrests—the second, to force the most vulnerable drug trafficking organizations out of business; and third, to demonstrate a national resolve to curtail the drug abuse problem.

Besides the well-known agencies with primary responsibility for interdiction, there are least 15 other departments, agencies, organizations—depending on how you count them—that are involved in conducting, supporting, or coordinating anti-smuggling efforts. This is just on the drug interdiction end of things.

None of the agencies, with the exception of DEA, has drug law enforcement as it sole or even primary mission, and each has its own scheme of organization priorities, areas of expertise and operating style. From the work we did, the measurable impacts of interdiction that we found are mostly of a local and short-term nature. There is evidence that interdiction deters and increases the risk for some smugglers, and that it forces some smugglers to switch modes or tactics, and that it contributes to investigations of trafficking organizations.

However, the principal finding of our study is that there is no clear correlation between the level of expenditures or effort devoted to interdiction and the long-term availability of illegally imported drugs in the domestic market.

Given the probability of drug smuggling, a worldwide glut of drugs and the view that the United States is a favored market for drugs, interdiction alone will probably never result in a more short-term or relatively small reduction in drug availability. And as you know, the present rate of expenditures on interdiction alone is estimated by the administration to be about $1.3 billion in this fiscal year.

A number of problems hamper even a minimum level of effectiveness for the Federal drug interdiction programs, and I would just point out a few of them. At the most basic level, the data on drug smuggling issued by the Federal law enforcement and intelligence agencies are seriously deficient. We found very little agreement among the various official estimates of the amount of drugs, on modes of entry, even on the quantities seized.

Another major deficiency in the interdiction effort itself is the lack of coordination and cooperation. The failure to weld the resources of the Federal Government into an effective force to combat drug smuggling has given rise not only to inefficiency and working at cross-purposes, it has also led to competition, as you have noted, among agencies.

Our investigation suggests that a successful war on drugs will require clear goals and a long, sustained effort. Evidence of success will be difficult to obtain and interpret unless goals are fixed and long-range trends are measured. Also, since the goals of the interdiction efforts are so intertwined with goals of the other elements of drug control, it will be very difficult to devise goals without a comprehensive approach and without more effective overall leadership.

Thank you very much. I will be happy to answer any questions you may have.

The CHAIRMAN. Before you begin, Mr. Jones, Mr. Johnson, how do you respond to the assertion by the Attorney General that you would write anything we want you to? It is a serious allegation, and I would like to hear what your response is.

Mr. JOHNSON. Well, sir, we made a great effort during our study to involve a wide variety of inputs to the work we did. We established an advisory panel, as we always do for our studies, which included people mainly outside the Federal Government. It included Mr. Ambrose, who was one of the members of our advisory panel; it included some ex-members of the Drug Enforcement Administration, and also some local law enforcement officials from some of the coastal areas.

In addition to that, we also involved the agencies and the Drug Enforcement Policy Board in our study. We gave them all an opportunity to review the material throughout our study. We held several meetings of the interdiction agencies and the primary players, and we got information from them.

I can assure you that the information that we have in our report with regard to data and statistics is quite accurate and quite consistent with the report that was just published by the Drug Enforcement Policy Board itself.

The CHAIRMAN. Did you ever speak to me about your report prior to today? Have you and I ever spoken?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Are you worried that if you had written a report that said that things were being coordinated well that there is anything I would do as Chairman of the Judiciary Committee or could do that would affect you?

Mr. JOHNSON. No, sir. That was never a consideration at all.

The CHAIRMAN. I quite frankly found the Attorney General's statement demeaning and ridiculous, but I just wanted to have it on the record. I think you are a fine man. I do not know you from Adam. I never spoke to you or anyone else in your organization. In the past, your organization has written reports that I do not agree with as Chairman of this committee and as a United States Senator, and I think you have done an incredibly effective job.

I think the sort of indictment of your work in general, that you would write anything that the Congress wanted, is a little bit like my suggesting that when I call up an administration witness here from the administration that they are not going to tell me the truth and the facts; they are going to do whatever the President says they are going to do. I hope we can put an end to that kind of malarkey.

Let me go to Mr. Jones and then I have some very specific questions, but I did not want that to go unspoken to and let it just lie there, that somehow you were a tool of this committee or a tool of this Congress.

You have not made a recommendation on my legislation, have you?

Mr. JOHNSON. No, sir, we have not. What we have provided is in our report and in my statement is more background of the problems that we identified when we did our study.

[The statement of Mr. Johnson follows:]

TESTIMONY OF PETER A. JOHNSON
SENIOR ASSOCIATE
OFFICE OF TECHNOLOGY ASSESSMENT

before

Senate Committee on the Judiciary

The Border War on Drugs

May 14, 1987

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present some of the results of our recently completed study by the Office of Technology Assessment on drug interdiction. My name is Peter Johnson and I am the Project Director of that study. With me today is Larry Jenney, a senior analyst at OTA who also participated in the study.

Today, I will summarize the OTA study findings pertaining to the Federal drug interdiction efforts as a whole, as well as specific aspects that relate to the subject of these hearings -- the need for a comprehensive, long-range national strategy and enhanced coordination of all Federal efforts.

As you know, the Office of Technology Assessment is a nonpartison, analytical agency of the U.S. Congress. Our function is to assist Congress anticipate and plan for the effects of technological changes. We undertake studies at the request of standing committees of Congress.

OTA published its report, The Border War on Drugs, in March of this year. The study was undertaken at the request of the Senate Committee on Appropriations. It deals with a major component of the Federal drug control strategy: interdiction and interdiction technologies. The purpose of the assessment is to assist Congress in making decisions about the allocation of Federal resources for technologies employed to control illegal drug traffic. The study addresses:

- Drug smuggling patterns and importation statistics in different smuggling modes (ports of entry, sea, air, land).
- Technologies and strategies used by interdiction agencies.
- Effectiveness of interdiction agencies in intercepting drug shipments.
- Prospects for improvements in interdiction through the use of new technologies and new approaches to designing and deploying technological systems.

This study was approved by our Technology Assessment Board and initiated in September 1985. The analytical work was completed at the end of 1986. We were assisted in the conduct of the study by a distinguished advisory panel who are listed in the front of our report and who include former Federal agency officials, local law enforcement officials, experts from academia, and industry. In addition, OTA formed an interagency advisory group, conducted workshops on several technological subjects and consulted with a number of organizations involved in drug interdiction or in the development of technologies that may be applied to drug interdiction.

While I will discuss today some of our study findings that relate to the concerns of this committee, I would like to call your attention to our published report and its analyses of the overall issues. These findings are the result of extensive investigations and analyses by OTA over more than a year's time by our staff, by a number of consultants, and with assistance and advice from all of the involved agencies and from our advisory panel. The report discusses the broad outlines of our analysis and data. Because of the sensitive nature of this subject, details of smuggling activities and Federal programs have been omitted from the public report; they are, of course, available to the Committee.

I will now address several topics that I hope will assist this committee in considering legislative measures to improve the coordination and effectiveness of narcotics control policy. First, the present drug smuggling threat and existing goals and strategies of the Federal drug interdiction program; next, the roles of the interdiction agencies and the effectiveness of current interdiction efforts, and, finally, problems we have identified with present programs and discussion of some future needs.

The Drug Smuggling Treat

OTA's study focused on the three major illegal drugs -- heroin, cocaine, and marijuana -- which account for almost all drug smuggling into the United States. These drugs are transported from foreign countries by a variety of methods that can be categorized as either entry through official ports or surreptitious entry by means that avoid official ports. Drug trafficking through official ports of entry includes commercial aircraft and ships; cars, trucks, or pedestrians at land border crossings; international air passengers; and letters and parcels through the postal system. Surreptitious entry includes drug trafficking by private ships and boats, private aircraft, private vehicles, and couriers crossing land borders on foot.

The three drugs represent different challenges for the interdiction agencies because of the volumes smuggled, the modes of entry, and the sources.

Marijuana trafficking is a high volume activity with 10,000-12,000 metric tons brought into the U.S. annually. Cocaine is next with current annual smuggling estimates ranging from 100-120 metric tons. The amount of heroin smuggled is about 6 metric tons per year. The amounts of marijuana and heroin have varied only slightly in the past five years while cocaine imports have increased two to three times. OTA estimates that the annual total retail value of all illegally imported drugs is about $50 billion, and the profit realized just by smuggling (the difference between foreign and domestic wholesale values) was about $7 billion in 1985.

While illicit drugs are smuggled across practically all of the borders of the United States, southeastern and southwestern States experience by far the greatest number of smuggling attempts. Prior to the early 1970's, the Mexican border was the area of greatest concern. Since then, the majority of smuggling attempts have taken place in south Florida and the Gulf Coast States. Just recently the border with Mexico has seen another upsurge in drug trafficking, perhaps in response to increased law enforcement efforts in south Florida.

The network that supplies the nation's drug users is not a single, centralized organization. It is made up of many different organizations that tend to specialize in a particular drug or source region. Each has preferred strategies, routes, and delivery methods, but experience has shown that smuggling organizations are highly flexible and resourceful in responding to pressure applied by interdiction agencies. When law enforcement operations disrupt or eliminate particular durg trafficking arrangements, the effect is seldom long-lasting. Every phase of drug trafficking from production through processing and transportation to wholesale distribution and marketing can quickly be changed to elude detection. Even when a large number of those involved are arrested, the vacuum is soon filled by other drug traffickers.

Present Goals and Strategy

The present policy on drug interdiction recognizes, at least implicitly, that it is not practical to erect an impenetrable border defense and that interdiction alone cannot stop drug trafficking. Although stated in various ways, the working goals of all the agencies involved appear to be:

1. to harass and deter smuggling attempts by specific modes and at key locations, and to work toward disrupting the trafficking networks, seizing as many drugs as possible and making arrests of the drug traffickers;

2. to force the most vulnerable drug trafficking organizations out of business; and
3. to demonstrate a national resolve to curtail the drug abuse problem.

Operationally, the above goals have been used by each interdiction agency to develop strategies that are consistent with their mission and organizational resources. OTA's investigation has concluded that at least three elements are vital to such strategies:

1. to apply constant pressure on drug traffickers operating wherever intelligence or experience indicates that significant activity takes place;
2. to constantly monitor trafficking patterns and smuggling attempts to direct interdiction pressure; and
3. to conduct limited duration special operations that cause exceptional problems, costs, or risks for the trafficker.

These goals and strategies do not explicitly differentiate among drugs, routes, or modes of entry. This has not always been so. Certain drugs have been considered more threatening than others at certain times, and operational priorities for particular drugs have been established. These priorities have followed changing drug popularity and changing perceptions of the magnitude of the drug problem. At present, the Administration specificially refrains from setting priorities for specific drugs.' However, it is generally agreed that limited resources require that some problems be given more attention than others. Interdiction programs have therefore been focused more on those drugs and modes of smuggling where they appear to have the most success (i.e., maritime smuggling of marijuana and private air smuggling of cocaine) and less on those drugs and modes where success is questionable (e.g., port of entry smuggling of heroin). The drug enforcement agencies argue that it is more effective to counter heroin trafficking by means other than interdiction, but that interdiction is especially effective against marijuana trafficking.

Evidence of the de facto priorities by mode of transport can be found in the history of Federal budget outlays for interdiction over the past six years. In the period FY 1981 to FY 1986, between 55 and 65 percent of Federal outlays for drug interdiction have been to combat drug smuggling by private vessels, principally marijuana. Most of these expenditures have been for Coast Guard operations. The second largest category of expenditure in FY 1981 through FY 1986 was for interdiction at ports of entry, the major mode of heroin smuggling. In FY 1981, this amounted to about one-third of Federal outlays; in FY 1985 and FY 1986 about one-quarter.

In comparison, the funds allocated to interdicting air smuggling -- the means by which most cocaine enters the country -- have been small. In the past three years, expenditures by the Customs air program have run slightly over 10 percent of the total interdiction budget. Recent new initiatives will increase the emphasis on air interdiction.

Agency Roles

The agencies with primary responsibility for interdiction of drugs in transit to the United States and at the border are the Customs Service, the Coast Guard, and the Border Patrol.

The United States Customs Service is charged with combatting smuggling by private aircraft, by private vessels in near-shore waters (out to twelve nautical miles from the U.S. coast), and by all modes of transport at ports of entry. Customs also has statutory responsibility for preventing smuggling across land borders between ports of entry, but the primary patrol and enforcement effort is carried out by officers of the Border Patrol of the Immigration and Naturalization Service. Border Patrol officers have been cross-designated by Customs and DEA to perform drug interdiction and related law enforcement tasks along the Mexican border as adjunct of their primary mission of preventing illegal immigration.

The United States Coast Guard is the only Federal agency with jurisdiction on the high seas. It conducts barrier patrols to intercept drug ships in transit to the United States. By law, Coast Guard officers and petty officers are also Customs officers, giving the Coast Guard concurrent jurisdiction with Customs inside the twelve-mile limit along the entire U.S. coastline.

Several other Federal agencies are involved in drug interdiction in a support capacity.

The Drug Enforcement Administration, the lead agency in the Government's effort to suppress illegal drug trade, is a major source of foreign and domestic intelligence and investigative leads on drug trafficking. The DEA El Paso Intelligence Center (EPIC) serves as a clearinghouse of strategic, tactical, and operational intelligence for drug interdiction agencies.

The Federal Bureau of Investigation has concurrent jurisdiction with DEA for overall drug law enforcement. The FBI concentrates on drug trafficking by organized crime and on conspiracy investigations (particularly those related to the Continuing Criminal Enterprise and the Racketeer Influenced Corrupt Organizations statutes). Intelligence pertaining to specific smuggling activities is passed to DEA or to the appropriate interdiction agency.

The Department of Defense plays an important role in surveillance of air and sea approaches and in providing loan or transfer of military equipment to interdiction agencies.

The Federal Aviation Administration supports drug interdiction by sharing radar and flight information on air traffic in the border region.

Federal policy guidance and interagency coordination are currently provided by three main mechanisms: the National Drug Enforcement Policy Board (NDEPB), the White House Drug Abuse Policy Office, and the National Narcotics Border Interdiction System (NNBIS).

NDEPB, created by the National Narcotics Act of 1984 is a cabinet level group chaired by the Attorney General that seeks to provide unified direction of anti-drug efforts and to develop and coordinate overall national policy. Recently, the Board has been expanded to include other aspects of drug control and redesignated the National Drug Policy Board.

The Drug Abuse Policy Office, created within the White House by Executive Order, is a center for coordination and oversight of anti-drug activities by all Federal agencies, including those concerned with drug interdiction. Policy guidance to Executive Branch agencies is contained in a periodic report entitled National Strategy.

The National Narcotics Border Interdiction System was created to provide guidance for interdiction operations. Under the chairmanship of the Vice President, NNBIS seeks to coordinate the activities of drug enforcement agencies and to facilitate other agency assistance -- especially from DOD and the intelligence community. Six regional NNBIS units have been created, each chaired by the regional head of the Federal law enforcement agency with primary responsibility in the area.

This list of agencies participating in drug interdiction, although extensive, is by no means complete. In all, some 18 different departments, agencies, and organizations are involved in conducting, supporting, or coordinating anti-smuggling efforts at the Federal level. None of the agencies, with the exception of DEA, has drug law enforcement as its sole or even primary mission. Each has its own scheme of organization, priorities, areas of expertise, and operating style. This diversity could be an asset, but without an underlying common strategy, a suitable organizational framework, and clearly delineated procedures for coordination and cooperation, the result is often a patchwork of fragmented and overlapping jurisdictions and ineffective operation.

Effect of Interdiction on Supply and Price

Aside from preventing drugs from entering the market, interdiction should also discourage would-be traffickers. In general, interdiction should reduce the smugglers' options for choosing the time, method, and place for bringing illegal drugs into the United States. Interdiction should also increase the risks for smugglers but, the success of interdiction as a whole, and the extent to which technical improvements can improve interdiction, are very difficult to evaluate. We simply do not have the data to support conclusions about how successful we are now, what impact our efforts have, or what the situation might be otherwise.

The measureable impacts of interdiction that we have found are mostly of a local and short-term nature. There is evidence that interdiction deters and increases the risk for some smugglers, that it forces smugglers to switch modes and tactics, and that it can contribute to investigations of trafficking organizations.

Interdiction efforts have also resulted in seizure of many tons of illegal drugs each year. Increasing interdiction of drugs entering Florida appears to have forced smugglers to spend more money for better boats and aircraft, to travel longer distances (e.g., up the Atlantic coast), and generally to take greater risks. In addition, the capture of individual smugglers has sometimes enabled agencies to penetrate and neutralize smuggling organizations.

Some of the reports describing the effects of special operations such as "Hat Trick" (an interagency maritime blockade for 2-3 months in the Caribbean) contain evidence of temporarily stemming certain drug trades. This evidence also points to the value of coordinated action.

As you know, Federal expenditures to combat drug smuggling and drug abuse have increased substantially in recent years. Expenditures on drug interdiction more than doubled from FY 1981 to FY 1986, from $394 to $822 million. The Anti-Drug Abuse Act of 1986 (P.L. 99-570) authorizes large increases to these expenditures. The Administration estimates interdiction expenditures to total $1,369 million in FY 1987 and $982 million in FY 1988.

Despite these Federal outlays for interdiction and the results I have just enumerated, the quantity of drugs smuggled into the United States has increased. Only a few percent of the illegal drugs smuggled into this country are seized at our borders. Imports of cocaine, the illegal drug perhaps posing the most serious national problem, have doubled since 1981. The increase in drug trafficking raises questions about the effectiveness of current drug control strategies and technologies.

Theoretically, the street price of illegal drugs might provide indirect evidence about the effectiveness of interdiction efforts. If seizures increase and supply is thereby diminished, street prices could be expected to rise. Experience, however, is sometimes just the contrary. For example, during 1981-86 at the time of intensive Federal interdiction of cocaine trafficking - and a more than tenfold increase in quantities seized - the street price of cocaine actually declined by half.

Therefore, a principal finding of our study is that there is no clear correlation between the level of expenditures or effort devoted to interdiction and the long-term availability of illegally imported drugs in the domestic market. Given the profitability of drug smuggling, a worldwide glut of drugs and the view that the United States is the favored market for drugs, interdiction alone will probably never result in more than a short-term or relatively small reduction in drug availability.

Problems with the Present Interdiction Program

At the most basic level, the data on drug smuggling issued by Federal law enforcement and intelligence agencies are severly deficient. OTA found little agreement among the various official estimates of the amount of drugs entering the country, on the modes of entry, and even on quantities seized.

The National Narcotics Intelligence Consumers Committee (NNICC) issues prior year estimates of total quantities imported, derived from production estimates, seizures, and drug consumption indicators. The Customs Service prepares annual projections of the drug smuggling threat for the coming year. NNICC and Customs estimates rarely agree, and no attempt is made by either agency to reconcile the differences or to equate their methodology. Within each agency, there are unexplained fluctuations and inconsistencies in estimates from year to year. For the year 1985 the NNICC report was not published because of problems reconciling the various estimates.

The situation with respect to mode of entry and regional distribution of the smuggling threat is similar. There are variations and inconsistencies between and within agencies that cannot be resolved and that cloud the credibility of all data.

The data on seizures are always suspect. Each agency collects and reports seizures in its own way. Where several agencies are involved in a single operation, each may report the seizure as its own, but the amounts and even the place or date of seizure may differ. The DEA El Paso Intelligence Center (EPIC) is responsible for collation of seizure data from all sources; but because of agency rivalries, EPIC reports do not identify agency subtotals. The most common problems encountered by OTA in analyzing and interpreting drug smuggling data were double counting, differing standards of estimating quantity or price, ambiguities about the mode of transport, and inconsistencies of reporting among sources within individual agencies. We could find no way to resolve these contradictions and ambiguities satisfactorily and thus could make no more than broad-range estimates or rough approximations of drug traffic and agency effectiveness.

Even though the double counting problem was addressed in a new system implemented in late 1986, the drug enforcement agencies do not appear to use systematic and consistent data collection and sampling techniques. Nor do they make full use of the data that they do collect as a basis for program evaluation and strategic planning.

The significance of this finding is simply that, given the chaotic state of recordkeeping and analysis among the drug law enforcement and intelligence agencies, the estimates of traffic and means of conveyance are little more than conjecture. Further, because there is so little firm knowledge about the threat, the agencies have no reliable way to judge the effectiveness of their efforts, to evaluate technologies and tactics, or to formulate revised strategies.

Another major deficiency in the drug interdiction effort is the lack of coordination and cooperation among the agencies involved.

The lack of synergism is evident at every level. In the field, in the day-to-day conduct of operations, it can be seen in the inability of enforcement units from different agencies to communicate. For example, the Coast Guard and the Customs Marine Branch use different radio frequencies. Even in the case of the Blue Lightning Operations Center in Miami, conceptually a joint marine command and control center, there is not yet a capability for BLOC personnel to communicate directly with Coast Guard vessels that may be operating in the same waters as Customs interceptor boats.

The problem is not just technological; it is also organizational. Coast Guard, Customs, and DEA have not established procedural agreements and protocols that would allow tactical cooperation on a specific and ad hoc basis. Operational units of one agency usually cannot be tasked by another to provide support or to coordinate their activities. Where working agreements may exist, they typically require advance notification of days, or even weeks, and do not extend to coordination and support of operations in progress.

At a still higher organization level, the drug interdiction effort is hampered by the failure to resolve incompatibilities among the goals or operating philosophies of different agencies.

As an illustration, the dominant philosophy of DEA is to eliminate drugs as close as possible to their source and to disrupt the drug trafficking system by collecting evidence that will lead to arrest and conviction of drug traffickers. DEA, in the interest of exposing drug trafficking networks and the key high-level individuals within them, sometimes prefers to allow drug shipments to enter the country so that their movement can be followed and the necessary evidence collected to convict those higher up. This focus on conviction as opposed to immediate seizure is sometimes in conflict with the strategy of agencies whose goal is interdiction.

The failure to weld the resources of the Federal Government into an effective force to combat drug smuggling has given rise not only to inefficiency and working at cross-purposes, it has also led to competition among agencies for funds and equipment and to disputes over jurisdiction and primacy of authority.

The existence of multiple coordinating bodies - the Drug Abuse Policy Office, the National Drug Enforcement Policy Board, the National Narcotics Border Interdiction System, the Organized Crime Drug Enforcement Task Forces, and even DEA in its original conception -- each created in successive attempts to achieve interagency cooperation -- attests to both the persistence of the problem and the failure to find a satisfactory solution.

Future Organizational Needs

OTA's investigation suggests that a successful war on drugs will require clear goals and a long, sustained effort (decades). Evidence of success will be difficult to obtain and interpret unless goals are fixed and long-range trends are measured. Also, since the goals of interdiction efforts are so intertwined with goals of other elements of drug control, it is difficult to devise goals without a comprehensive approach and more effective overall leadership.

Even if clear and measureable goals were established for Federal interdiction programs, OTA found little systematic effort to measure progress toward any objective or to evaluate the cost effectiveness of specific technologies and programs.

The starting point for an effective drug war and, more specificially, an effective interdiction program is to provide a tight linkage between national goals, organizational arrangements, and strategies.

None of the goal statements by high-level national policy groups provide clear direction for drug interdiction agencies on where to set priorities. Rather they allow each agency to define its goals as it deems appropriate. Redefinition can occur at will. In sum, such goal statements allow the individual agencies to define their individual goals to fit their capabilities and programs and not vice versa.

The keys to more effective drug interdiction are a comprehensive and unified national strategy and an organizational arrangement that will assure that the strategy is properly implemented.

A strategy is needed to provide a clear sense of direction and a means to assess progress toward achieving the ultimate aim of reducing the flow of illegal drugs across our borders. This involves setting a hierarchy of goals, beginning at the very top with those for the overall attack on drug abuse and descending to those for interdiction as component of the national effort and then to specific goals for each of the agencies involved.

These goals must be stated in a way that not only delineates how each fits into the overall national purpose but that also gives rise to a strategic concept of how organizational components can be systematically organized to achieve that purpose. It is also important that goals be stated in terms that allow measurement of attainment -- ideally quantitative, but at least precise enough to give credible indication of progress.

A comprehensive goal-based strategy would thus include a rational scheme for allocation of resources and a plan for deploying these resources to best advantage. This implies devising measures of effectiveness and the systematic collection of information on operational results to allow evaluation and refinement of strategy and tactics.

In such an undertaking, bureaucratic dislocations are bound to occur. Agency priorities, responsibilities, and resource allocations would have to be reordered. To some degree, agency autonomy would have to be subordinated to the overall plan of action and the hierarchy of national and individual organizational goals. Leadership would be needed to obtain cooperation and to overcome institutional obstacles, to revise traditional operational concepts, and to prevent self-protective or parochial response by individual agencies that may perceive their position or authority threatened.

To apply the strategy and make it work in a setting that embraces several departments and agencies will require centralized and high-level leadership, with the authority to allocate resources, to define individual organizational responsibilities, and to oversee the entire effort. Strong leadership does not imply autocratic powers. It does entail, however, a clear sense of purpose and the ability to secure the ungrudging cooperation of the many agencies that would be involved.

In sum, the technology of interdiction is very costly and likely to become even more so if it increases in sophistication to overcome the advantages that smugglers now have. Capital investments in new technology may have short-lived benefits since they can be quickly outmoded by new tactics, new means of conveyance, and new methods of concealment. In developing and deploying new interdiction systems, Federal drug law enforcement agencies must therefore be careful in choosing not just those that offer immediate payoff but also those that are flexible and consistent with long-term needs. It is also important not to develop and acquire this new technology piecemeal in an effort to find quick solutions to pressing problems. Thought should be given to how the parts will blend into the overall system and contribute in an evolutionary way to a successful long-term strategy of interdiction.

For this technological approach to work, it is essential that there be a comprehensive policy to guide research, development, and acquisition. This policy must not only establish goals and assign responsibilities, it must also lay down guidelines on how goals are to be achieved and how progress is to be evaluated. An important corollary of this unified policy is establishing a scheme of data collection and analysis that will permit rational assessment of costs in relation to benefits and effectiveness. Without the ability to weigh prospective gains and actual accomplishments against expenditures, it will not be possible to make judicious choices among competing technologies and to chart a proper direction for future systems.

The CHAIRMAN. Thank you.

Mr. Jones, welcome.

Mr. JONES. I am glad to be here, Mr. Chairman. Before I get into the substance of what I would like to do—that is, comment on S. 789—I would like to prolong the battle just another minute, with your indulgence.

The CHAIRMAN. Sure.

Mr. JONES. We issued a report at your request last July. I could not have been set up better, by the way. The title of the report is "Drug Investigations, Organized Crime Drug Enforcement Task Force Program, A Coordinating Mechanism." It was issued to you; it was signed by me. It is dated July 1986.

I know there were disagreements with members of your staff about some of the conclusions or the inferences we were making from fact. Obviously, we did not write what the Congress told us to write because in its official response in a letter addressed to me—and I lift out of the letter—the official Justice Department opinion was "overall we believe that the report presents a balanced review of the Organized Crime/Drug Enforcement Task Force program, and identifies a number of issues that require continued study and analysis." Not exactly the work of a marionette for the Congress.

The CHAIRMAN. Which one of you supposedly had written the shoddy report?

Mr. JOHNSON. That was the Office of Technology Assessment.

The CHAIRMAN. And that you are the marionettes?

Mr. JOHNSON. They are the marionettes. That is true.

Mr. JONES. Well, I suspect this could not have been called a shoddy report because the Justice Department asked for 2 to 3 hundred copies to issue to key officials in its task force program.

The CHAIRMAN. Oh, it could, because the Attorney General does not even remember the letter, the answers he gives me. So it could.

In the opening of the hearing, in my question to him, I read a response to a question that I had specifically written to him that he had specifically answered, and he made it clear to me that he did not answer it. So I must admit on occasion he confuses me.

Mr. JONES. I am confused, too, Mr. Chairman, because I was invited by the Justice Department to talk at the very meeting General Meese spoke at yesterday in St. Louis. I could not attend so I sent my deputy to talk to the annual meeting of task force coordinators on problems and progress with the program. So someone thinks we know what we are talking about.

The CHAIRMAN. I think you do. Go ahead.

Mr. JONES. Mr. Chairman, I am accompanied today by two of my key staffers in the drug abuse and control area: Mr. Ron Viereck from our Los Angeles regional office to my far left, and to my immediate left is Mr. Jim Burow of my Washington staff.

I have a prepared statement, and with your indulgence, and certainly in the interest of time, I would like to submit that entire statement for the record.

The CHAIRMAN. It will be put in the record in its entirety.

Mr. JONES. I would like to now summarize. I would like to present, with your indulgence, our capsulized version of our views on S. 789 and its relationship to the issue of a need for strong central guidance, a position that the GAO has advocated for years. I have no statement, so this is off the cuff.

Looking at S. 789 and looking at the Executive order establishing a Drug Policy Board, which includes also the authorities for that Board spelled out in the Drug Enforcement Policy Board as a consequence of the act of 1984, with the exception of a Cabinet member chairing, if you look at the duties and responsibilities, one, of the Board; two, of the Office of Narcotics Abuse Control that you proposed, Senator, there is not, as a famous politician said in the past, a nickel's worth of difference. The important difference is not in the authorities and the responsibilities. The important difference, in my judgment, is the independence of your director from the appearance and perhaps the reality of conflicts of interest; when on the one hand the Attorney General, as Chair of the Board, makes decisions presumably in the greater interest of narcotics abuse control or drug abuse control, and on another occasion he has to put on his Attorney General's hat and operate, if he is to achieve the loyalty and support of the Department of Justice personnel, he has to operate for their benefit, also.

It takes a very, very unusual person, and I do not know that that person has been born yet. Some would argue once, and that is fine. It is a very, very difficult task to overcome the desire on the one hand to look out for your boys and your girls, and on the other hand to serve a more noble good. It has not happened in the past. Your director would be freed, and the deputies would be freed of this conflict. Whether the mechanism—and we are talking about an organizational one—whether the mechanism requires the establishment of a Cabinet post, and I personally would say that once the Cabinet post, the fear of the Cabinet Department then comes up. But if you have that person that my predecessors have addressed who could speak clearly for the President on issues of drug abuse control, have the authority and responsibilities laid out in 789, it would go a long way to solving a problem that has plagued, first, drug law enforcement, demand reduction, the treatment, the education, the health side for years.

We have had spokespersons. The first drug czar, I believe Dr. Jaffe, only spoke on demand reduction issues. We have never had that person to do what S. 789 would have done.

Last, the important issue that concerns me—and I testified before Senator Nunn a few weeks back, and I tried to make this same point—the most unfortunate thing about the legislation and issues associated with improving coordination is the word "czar." Your legislation most clearly to me on the one hand says the director may direct—operative phrase—with the concurrence of others the temporary reassignment of personnel, certainly not czar-like. And then there is the authority of director, and I quote, "Notwithstanding any other provision of law, the director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the director consistent with the general authority of each agency or department." Czars do not need consistency; they do not need concurrence. They order.

I guess I am preaching, but I feel very passionately about this, Mr. Chairman, and I open myself up to questions.

[The statement of Mr. Jones follows:]

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The Need for Strong Central Oversight of the Federal Government's "War on Drugs"

Statement of
Arnold P. Jones, Senior Associate Director
General Government Division

Before the
Committee on the Judiciary, United States Senate
and Select Committee on Narcotics Abuse and
Control, House of Representatives

GAO/T-GGD-87-17

Messrs. Chairmen and Members of the Committees:

We are pleased to be part of your hearings examining the need for strong central oversight of the federal government's "war on drugs." For years members of Congress have advocated the establishment of a "drug czar" who would develop a national strategy, establish priorities, direct resources, facilitate coordination, and be held accountable for federal efforts aimed at reducing our country's drug abuse and drug trafficking problems. As we will discuss today, we agree with the concept of strong central oversight of federal anti-drug efforts. Whether the Office of the Director of National Drug Control Policy, proposed by members of Congress in S. 789, should replace the National Drug Policy Board needs to be discussed at forums such as these hearings.

In our testimony today, I would first like to summarize our past position on the need for a so-called "drug czar." After that, I will provide information on the role of the National Drug Enforcement Policy Board (established by the National Narcotics Act of 1984) in coordinating U.S. drug law enforcement policy and operations and detail what we know about the Board's responsibilities being absorbed into the National Drug Policy Board by a March 26, 1987 Executive Order. Finally, we will discuss the proposed legislation, S. 789, which provides for central oversight of the entire drug abuse control effort.

Messrs. Chairmen, as you know, the Committee on the Judiciary has requested us to conduct an evaluation of the National Drug Enforcement Policy Board. In this evaluation, scheduled for completion in the summer of 1987, we are examining (1) how the Board operated; (2) whether the Board fulfilled specific legislative mandates, such as developing budgetary priorities and resource allocations for agencies involved in drug law enforcement; (3) how the Board resolved conflicts; and (4) the Board's role in the accomplishments it has claimed.

THE NEED FOR GREATER DRUG LAW ENFORCEMENT PROGRAM COORDINATION AND OVERSIGHT IS WELL DOCUMENTED

The General Accounting Office has recognized the need for strong central oversight. In past reports and testimony dating back to the early 1970s, we have repeatedly pointed out problems caused by the fragmentation of federal anti-drug efforts among various agencies. Many obstacles, such as differing priorities and interagency rivalries, conflicts, and jurisdictional disputes have impeded drug abuse control efforts.

In a 1979 report to Congress (Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes, GGD-80-4, Oct. 25, 1979), we assessed the federal government's efforts to reduce the supply of illegal drugs in this country during the previous 10 years. As the title indicates, we concluded that drug abuse and drug trafficking were flourishing.

In that report, we said that one of the main reasons the government had not been more effective was the long-standing problem of fragmented federal drug supply reduction activities. Over the years, there had been a variety of changes in drug strategy, policy, and federal drug law enforcement agencies' structures to reduce the fragmentation of efforts and to provide clear, high-level direction for greater supply reduction effectiveness. (A general description of these changes is included as app. I.) Our work showed that despite these changes, federal drug law enforcement efforts were still not well integrated, balanced, or coordinated.

Our 1979 report also pointed out that the federal government had continually failed to provide a central mechanism with the responsibility and authority to plan and coordinate all federal drug supply reduction efforts and to be accountable for effective implementation of a consistent federal drug policy. We proposed that the executive and legislative branches of government form a partnership to reach agreement on the Nation's drug abuse policy, enact necessary legislation, and provide the requisite oversight to ensure that the agreed-upon policy was vigorously carried out. We also pointed out the need to create a position with a clear delegation of authority from the President to monitor activities and demand corrective actions.

The need for strong central oversight was also the theme of our 1983 report to the Congress (Federal Drug Interdiction

Efforts Need Strong Central Oversight, GAO/GGD-83-52, June 13, 1983). In this report, we focused on federal efforts to interdict illegal drugs being smuggled into the country. We concluded that the fragmentation of these activities limited their effectiveness.

The interdiction of drugs was and still is a major, and also the most costly, component of the federal government's strategy to reduce the illegal drug supply. Our work demonstrated, however, that interdiction had a limited impact on the drug flow. Despite a dramatic increase in interdiction resources and a subsequent increase in drug seizures, there was no decrease in the availability of illegal drugs. Only a small percentage of the drugs entering the country were being seized.

We noted that authority and responsibility for federal interdiction efforts were split among three agencies--Customs, the Coast Guard, and DEA--in three separate departments--Treasury, Transportation, and Justice. We also noted that each agency had different programs, goals, and priorities, and that this led to inefficiency and interagency conflict. Our report pointed out that these interdiction difficulties were only one manifestation of a broader problem: the need for centralized direction and greater coordination of all federal drug supply reduction activities.

To promote a more cohesive and centralized oversight of federal drug enforcement efforts, we recommended that the President (1) direct the development of a more definitive federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities and (2) make a clear delegation of responsibility to one individual to oversee federal drug enforcement programs. We recommended that the responsibilities of this individual include:

--Developing and reviewing U.S. Government policy with respect to illegal drugs.

--Providing for effective coordination of federal efforts to control the production, halt the flow into the United States, and stop the sale and use of illegal drugs.

--Developing a unified budget that will present (1) a composite picture of all federal resources being devoted to the drug war and (2) recommendations for rationalizing these efforts in terms of budgetary priorities.

--Collecting and disseminating information necessary to implement and evaluate U.S. policy with respect to illegal drugs.

CURRENT EFFORTS AT PROVIDING STRONG CENTRAL OVERSIGHT

In 1983, President Reagan vetoed a bill that would have established a single Cabinet-level officer to direct the federal government's drug enforcement efforts because he felt that coordination of these efforts could be achieved through existing administrative structures. In his veto memorandum, the President said that the bill would create another layer of bureaucracy that would "produce friction, disrupt effective law enforcement and could threaten the integrity of criminal investigation and prosecution."

A compromise was then struck between the Administration and Congress, and the National Narcotics Act of 1984 (Public Law 98-473) was enacted establishing the National Drug Enforcement Policy Board. The intent of the act was to strengthen central direction of federal efforts aimed at reducing the supply of illegal drugs in this country. Composed of several high-level federal officials, the Board, rather than one official, was charged with this responsibility.

The Attorney General is designated as Chairman of the Board. Other members include the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services; the Director of the Office of Management and Budget; the Director of the Central Intelligence Agency; the Director of the White House Drug Abuse Policy Office; and the Vice-President's Chief of Staff. The Board generally meets on a monthly basis.

The Board's mission is to coordinate U.S. drug law enforcement policy and operations. The Board is responsible for (1) reviewing, evaluating, and developing U.S. drug law enforcement policy and strategy, including budgetary priorities; (2) facilitating the coordination of all federal drug law enforcement operations; and (3) coordinating the collection and evaluation of information necessary to implement U.S. drug law enforcement policy. The act specifies that the Board is not to interfere with routine law enforcement or intelligence decisions of any agency.

As Chairman of the Board, the Attorney General's duties include advising and making recommendations to the Board concerning drug enforcement activities, correlating and evaluating information on drug enforcement to support the Board's activities, and acting as primary advisor to the President and Congress on drug enforcement programs and policies developed by the Board. In carrying out the Board's responsibilities, the Attorney General, on behalf of the Board, is authorized to

--direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel in order to implement U.S. drug law enforcement policy;

--provide guidance in the implementation and maintenance of U.S. drug enforcement policy, strategy, and resources; and

--review and approve the reprogramming of funds relating to budgetary priorities developed by the Board.

The Board created an organizational structure, including an interagency Coordinating Group and a Policy Board Staff, to carry out its responsibilities. The Coordinating Group is made up of senior officials from organizations having a major role in drug enforcement. The group meets monthly to discuss and, to the extent possible, reach consensus on issues referred to it by the Board or on issues the members might raise. Its aim is to resolve conflicts and/or submit recommendations to the Board for resolving drug enforcement conflicts and developing policy. The overall intent is to eliminate as many differences as possible among agency representatives at the subcabinet level.

The Policy Board Staff was organized to support both the Board and the Coordinating Group and ensure that they each have the information they need to make decisions. The Staff consists of a Director and about 20 personnel assigned from the various agencies. It performs a variety of tasks, including: assessing federal drug strategies, policies, and programs, and making recommendations to improve their effectiveness; reviewing budget levels for all federal drug enforcement programs and making recommendations to the Board on resource allocations; conducting research and analysis on issues referred to it by the Board or the Coordinating Group; and preparing reports to Congress on U.S. drug enforcement policy, plans, and accomplishments.

Activities and Accomplishments of the Policy Board

According to the Chairman of the Board's Coordinating Group, much of the Board's work takes place behind the scenes, and low-key advice and consultation are frequently provided to agencies involved in drug enforcement. According to the Board's Staff Director, the Board has not developed plans, procedures, or guidelines spelling out how the Board will operate to meet its responsibilities under the law. Thus, determining the extent of the Board's activities and its effectiveness in coordinating federal drug enforcement policy and operations is a difficult task.

On the basis of statements that the Coordinating Group Chairman made to Congress and information provided to us by the Board's staff, however, it appears the Board has undertaken a number of activities to carry out its mission. These include the following.

--Revising the national and international drug law enforcement strategy. In February 1987, the Board issued a strategy for the next 2 years. Before that, the Board had adopted the President's 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking as a guide for policy and program development.

--Reviewing and approving the concept of an all-source intelligence center to consolidate drug intelligence at one location for improved drug interdiction efforts.

--Reviewing proposals by the Secretary of Defense for expanded Department of Defense (DOD) support of drug enforcement.

- --Reviewing drug problems along the southwest border and planning a multi-agency interdiction initiative called Operation Alliance to enhance drug enforcement in that area.
- --Studying air and related marine interdiction capabilities along the southeast border to recommend appropriate measures for this region.
- --Evaluating federal efforts to eradicate domestically grown marijuana and making recommendations for improving those efforts.
- --Approving a centralized interagency system for collecting and processing drug seizure statistics.
- --Starting an effort to bring greater consistency to the reporting of spending on drug enforcement activities.
- --Submitting a report to the Congress on controlled substance analogs (i.e., designer drugs).
- --Establishing a drug crisis management system to decide on unified interagency approaches to urgent problems.

Policy Board relies on cooperation

Coordinating federal drug enforcement policy and operations for greater effectiveness is a formidable task. The Attorney General, as Chairman, is responsible for implementing the Board's policies and strategies, but he has limited authority to accomplish this. He cannot establish budgets, develop priorities, and direct resources in organizations outside the Department of Justice. Such organizations include Customs, the Internal Revenue Service, the Coast Guard, Department of Defense, and agencies in the national intelligence community--all of which have roles in drug law enforcement.

Without the authority to direct actions, the Attorney General can only provide guidance in implementing the Board's decisions and rely on the cooperation of the involved departments and agencies. We do not know to what extent this lack of authority affects the Board's ability to coordinate and provide clear central direction to federal drug supply reduction efforts. This is a matter we are addressing in the ongoing evaluation that you requested.

Policy Board role expanded to include demand reduction

As stated earlier, to provide policy coordination for reducing the demand for drugs, on March 26, 1987, President Reagan issued an Executive Order creating the National Drug Policy Board. Demand reduction was not officially part of the mission of the National Drug Enforcement Policy Board. Although technically the National Drug Enforcement Policy Board stills exists, the new Board absorbs its mission and intends to provide a coordinated strategy and policy for all of the federal government's anti-drug responsibilities, including drug prevention, education, and treatment programs. The Attorney General will remain as the Chairman, and the Secretary of the Department of Health and Human Services has been designated as the Vice Chairman. The President's Executive Order also directed the Board to establish two coordinating groups. One coordinating group will continue to consider issues related to drug law enforcement, while the other will deal with drug abuse prevention and health matters.

"OFFICE OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY" PROPOSED

Mr. Chairman, you introduced a bill, S.789, earlier this year that would establish a Director of National Drug Control Policy. The purpose of your bill is to ensure that a single, competent, and responsible high-level official, who is appointed by the President with the advice and consent of the Senate, and who is accountable to Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to drug control and abuse.

As provided in your bill, the newly created Director would have authority to direct federal drug enforcement efforts. In addition, the Director would be responsible for directing and coordinating federal education, prevention, research, and treatment activities designed to reduce the demand for illegal drugs. Your proposal is based on the premise that an effective solution to the Nation's drug problem must involve a comprehensive approach combining supply and demand reduction efforts, and that the magnitude of the problem requires someone with broad responsibility and authority to lead all the involved federal agencies in a unified and efficient attack.

The objectives of your bill are consistent with what we have advocated in the past. As I discussed earlier, we recognize the need to have one individual with a clear delegation of responsibility and authority to plan and oversee all federal drug supply reduction activities--someone who is accountable for the effective implementation of a consistent federal drug enforcement policy. While our prior work focused on drug supply reduction, we also recognize the importance of demand reduction efforts. In our 1979 report, we pointed out that effective drug enforcement will cause shifts and temporary disruptions in trafficking and drug use patterns and will buy time to enable the Nation to concentrate on long-term solutions. We observed that the search for long-term solutions must give high priority to each vital component of the federal drug control strategy: drug law enforcement, treatment and rehabilitation, education and training, and research.

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In conclusion, Messrs. Chairmen, we agree with the concept of strong central oversight of federal anti-drug efforts embodied in S. 789. Whether the Office of the Director of National Drug Control Policy proposed in S. 789 should replace the new National Drug Policy Board will be discussed by your Committees and Congress in the coming weeks. Hopefully, our evaluation of the Policy Board will contribute to this discussion.

This concludes my prepared statement. We would be pleased to respond to any questions.

A HISTORY OF CHANGES IN DRUG ABUSE CONTROL BETWEEN 1968 AND 1978

A history of the major organizational changes that occurred between 1968 and 1978 is described in general terms below.

--President Johnson's Reorganization Plan No. 1 of 1968 established the Bureau of Narcotics and Dangerous Drugs in the Justice Department by merging the Federal Bureau of Narcotics, which was in the Treasury Department, and the Bureau of Drug Abuse Control, which was in the Department of Health, Education, and Welfare. This gave the Justice Department the primary responsibility for drug investigations. Treasury's U.S. Customs Service continued to be responsible for drug smuggling investigations.

--President Nixon created the Cabinet Committee on International Narcotics Control in 1971, with the Secretary of State as Chairman. The Committee was charged with developing a strategy to check the illegal flow of drugs to the United States and coordinating the efforts abroad by involved federal agencies to implement that strategy. President Carter abolished the Committee in 1977.

--In 1971, President Nixon also created the Special Action Office for Drug Abuse Prevention. The Office was responsible for coordinating and overseeing all federal drug prevention, education, treatment, training, and research programs, which were scattered among 14 agencies. There was considerable debate concerning whether the Office should also have authority over drug law enforcement agencies.

--The Drug Abuse Office and Treatment Act of 1972 provided the Special Action Office for Drug Abuse Prevention with a statutory base for a 3-year period. The act authorized the permanent establishment of the National Institute on Drug Abuse--a separate organization in the Department of Health, Education, and Welfare--to handle federal drug demand reduction efforts. It also created the Strategy

Council on Drug Abuse, whose primary responsibility was the development of a comprehensive federal strategy for the prevention of both drug abuse and drug trafficking.

--Drug law enforcement efforts continued to be fragmented. By 1972, investigative and intelligence functions were shared by the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence in the Justice Department, as well as the U.S. Customs Service in the Treasury Department. To correct this fragmentation, President Nixon's Reorganization Plan No. 2 of 1973 created the Drug Enforcement Administration (DEA) and assigned it the responsibility and authority for investigating all drug law enforcement cases under federal drug law. The bureau and the offices in Justice that I just mentioned were abolished. Their functions and resources, along with the Customs Service's investigative and intelligence-gathering functions relating to drug enforcement, were transferred to DEA. The Customs Service's anti-drug role was limited to interdiction of illegal drugs at the U.S. borders and ports-of-entry.

--In 1976, Congress amended the Drug Abuse Office and Treatment Act of 1972 to establish the Office of Drug Abuse Policy. The legislative intent made it clear that Congress was dissatisfied with inconsistent and sometimes conflicting federal drug abuse policies with no clear overall direction. Congress wanted a central accountability mechanism to insure a coherent presidential drug abuse policy throughout the executive branch. The Office of Drug Abuse Policy's statutory authority, responsibility, and objectives were to oversee all organizational and policy issues for drug abuse and drug trafficking prevention; to coordinate the performance of drug abuse functions by federal departments and agencies; and to recommend and implement resource and program priorities. President Carter activated the Office in 1977 and abolished it in 1978. The Office's functions were absorbed by a drug policy office within the Domestic Policy Staff of the Executive Office of the President.

The CHAIRMAN. No, I do not think you are preaching. I think your concern about what it is called is accurate. Quite frankly, I found myself slipping into the trap. When I first introduced the legislation years ago, it was never called a drug czar. The press dubbed it that, and it became known more as that. I found myself repeating that, even though the distinction you make is a very accurate one.

This is not intended to have one person roaming the landscape at will, marauding budgets and personnel. But it is intended to do precisely what you have said.

I am going to do something a little bit different here, if I may. I think the drug issue is so important, and I know you all do, too. I am trying to be as objective as I can about it.

Tell me the worst things about my bill. Do not tell me the good things. What are the bad things about it? And there are some, I am sure. What are the things that worry you the most about it? Regardless of whether it is my bill, Mr. Johnson. Forget my bill for a moment. What are the things that worry you the most about a single coordinative body, an individual? What are the down sides of that beyond the ones we have heard that it could potentially stymie action because it would cause agencies to start guerrilla warfare that they are not already engaged in, potentially?

Mr. JOHNSON. Well, Mr. Chairman, I am trying to think of some things that might concern me. One area could be the fact that there is some advantage for certain agencies to have a number of missions that allow them to switch resources from one mission to another when they see a greater problem in one area versus another. This is what the Coast Guard and the Customs has done a lot in the past.

I would guess that there will be conflict between each of those agencies considering one mission at any point in time being more important than another, and someone asking them to do something because of the drug problem versus some of their other missions that they may consider important. I can see that as being an area of conflict, and I am not certain that that has a real solution to it. But I just point it out.

The CHAIRMAN. Mr. Jones or your colleagues?

Mr. JONES. My colleagues, feel free to join in.

From strictly an analytical point of view, the legislation addresses an important part, and I see no problems with the legislation. I see potential difficulties, depending very much on the will of the Chief Executive of the country and his or her choice of who leads that office and the personality of that director; because if the director becomes overly believing in the press statements about being a drug czar, it is doomed to failure. You know and I know effective agencies, both single- and multi-mission, will be running down here, and you will not get a chance to get started.

If the President makes it clear that John Doe or Jane Smith, in fact, speak for this administration and happen to be the point person for our policy, our drug abuse control policy, and I want you people to follow this guidance, it will work, it will start working, and it is needed.

It is just a fact. I do not believe you folks on both sides are getting information that allows you to make as good a decision as you are expected to in these days of huge budgets. We are not talking about 300 Federal Bureau of Narcotics special agents. We are talking about thousands of enforcement persons. We are talking about many millions of dollars. Who is going to advise you and your colleagues objectively? Say, instead of two FBI special agents or one assistant U.S. attorney, we need ten outreach counselors to send down into the streets of the ghettos of Washington, D.C., to try to convince some of the sick people that they need to get treatment, and we have resources for those treatments. Is Secretary Bowen going to do it? He is a health man. Is the Attorney General going to do it? He is the chief law enforcement officer. Right there, there is conflict, in my judgment.

So I think it is the personality, it is the commitment of the President, and the support of the Congress that will make it work.

The CHAIRMAN. So far, the OTA study indicated this, I think—and correct me if I am wrong, Mr. Johnson—that no one on the Board has determined the approximate mix of interdiction resources, which programs are federally effective, how interdiction fits specifically into overall Federal drug control programs, and how that in a cost-benefit ratio would relate to treatment or rehabilitation or education or any of the like? Is that correct?

Mr. JOHNSON. That is essentially correct, yes. The Policy Board has in their last report just published the fiscal year 1987 and 1988 budget allocations for all the agencies on drug control. Those numbers, however, are numbers that they receive from each of the agencies, and they just compiled them.

The CHAIRMAN. No one makes a judgment about the relative worth.

Mr. JOHNSON. There was no essential judgment about the relative worth of them, and that is what concerned us in our look at some of these numbers.

In addition to that, there seems to be a reluctance to even collect information that would help measure the relative worth of one agency versus another, or one program versus another.

The data of each agency are kept separate, and when they are compiled, the identification of where it came from is lost.

Mr. VIERECK. If I might add on that topic?

The CHAIRMAN. Would you identify yourself, please?

Mr. VIERECK. Yes. My name is Ron Viereck with the General Accounting Office.

The thing that needs to really get done is to assess and reallocate resources, assess the need where they should be, whether we should reduce resources devoted to interdiction and increase demand reduction activities. These types of decisions require data bases, require information that is really lacking in the Federal Government today. What needs to be done, and what I think is one of the duties of your bill, is that it would create a full-time director who could devote full energies to beefing up the data system, to acquiring the necessary data to make these kinds of decisions.

Again, that is just not being done. I think the Policy Board has improved one system to eliminate double-counting of drug seizures, which is a step. It is a very small step, but it is a step. I think a full-time director would obviously recognize the need for this kind of thing, and that would be a very positive step forward.

The **Chairman**. Well, gentlemen, again, I do not want to keep you too long. I have six questions for each of you, some of which you have answered. What I would like to suggest is that I submit these to you in writing. They relate to coordination and cooperation and the need, if there is one, for a strong, central oversight. I would appreciate it if you would be willing to respond to them.

Mr. **Johnson**. Certainly.

The **Chairman**. And I am not being sarcastic when I say this: I truly appreciate your work. I think up until this morning it was recognized by everyone, including the Justice Department, as a worthwhile product. I am sorry that it was characterized as it was. I look forward to continuing to work with you and would ask you to respond to the questions, sooner than later, if you can, because I plan on moving this legislation, and I want my colleagues to have as much information available to them to make as informed a judgment as they can.

[Information can be found in committee files.]

The **Chairman**. Thank you very much.

Mr. **Johnson**. Thank you.

Mr. **Jones**. Thank you.

The **Chairman**. The hearing is adjourned.

[Whereupon, at 12:44 p.m., the committee adjourned, subject to the call of the Chair.]